

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

NO. 1:16-cv-03088-ELR

VICKIE D. CLEVELAND

August 17, 2022



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UNITED STATES vs STATE OF GEORGIA

August 17, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
STATE OF GEORGIA,
Defendants.
- - - - -

) CIVIL ACTION
) NO. 1:16-cv-03088-ELR
)
)
)
)
)
)
)

VIDEOTAPE DEPOSITION OF
VICKIE D. CLEVELAND

Wednesday, August 17, 2022, 8:59 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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ALSO PRESENT:

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1 ALSO PRESENT:

2 VIA ZOOM:

3
4 For U.S. Attorney's Office:

5 SANDRA LEVERT, ESQUIRE

6 LAURA CASSIDY TAYLOE, ESQUIRE

7 ANDREA HAMILTON, ESQUIRE

8 RENEE WOLENHAUS, ESQUIRE

9
10 For State of Georgia:

11 DANIELLE HERNANDEZ, ESQUIRE

12 ANNA EDMONDSON, ESQUIRE

13
14
15
16
17 ALSO PRESENT:

18 BRANDON BRANTLEY, VIDEOGRAPHER

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1 THE VIDEOGRAPHER: This begins the video
2 deposition of Vickie Cleveland, being taken in
3 the matter of United States of America versus
4 State of Georgia.

5 Today's date is August 17th, 2022.

6 The time on the record is 8:59 a.m.

7 My name is Brandon Brantley. I'm the
8 videographer. Wanda Robinson is the court
9 reporter.

10 Counsel, please introduce yourselves,
11 after which the court reporter will swear in
12 the witness.

13 MS. TUCKER: Michelle Tucker for the
14 United States.

15 MS. GARDNER: Kelly Gardner Womack for the
16 United States.

17 MS. COHEN: Fran Cohen for the United
18 States.

19 MS. JOHNSON: Melanie Johnson for the
20 State of Georgia.

21 - - - - -

22 VICKIE D. CLEVELAND,
23 being duly sworn, was examined and testified as
24 follows:

25 - - - - -

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1 EXAMINATION

2 BY MS. TUCKER:

3 Q Well, good morning, Mrs. Cleveland.

4 A Good morning.

5 Q Thank you so much for coming in today.

6 As I said, my name is Michelle Tucker and
7 I'm a trial attorney at the U.S. Department of
8 Justice, Civil Rights Division, Educational
9 Opportunity Section, and I'll be taking your
10 deposition today.

11 Would you please state and spell your full
12 name for the record.

13 A Vickie, V-I-C-K-I-E, D., Cleveland,
14 C-L-E-V-E-L-A-N-D.

15 Q Thank you.

16 So I'm sure your attorney has explained
17 much of this to you but we are basically going to
18 have a conversation today. I'm going to ask you
19 questions, and your answer -- and your job is to
20 answer them honestly and completely. Okay?

21 A Yes.

22 Q And you were just sworn to tell the truth
23 by the court reporter. The oath you took is the
24 same oath that you would take if you were testifying
25 in a court of law. So you are under that same

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1 obligation.

2 A Okay.

3 Q You understand?

4 A Yes.

5 Q Great. My questions and your answers will
6 be recorded by the court reporter. So please
7 understand that you will need to speak clearly and
8 answer all questions orally so the court reporter
9 can capture your answers fully.

10 She won't be able to record either of us
11 nodding or shaking our head, so we'll have to do our
12 best to not do that.

13 A That's fine.

14 Q Okay, great.

15 The other thing that you and I will need
16 to do is avoid talking over one another. So I will
17 do my best to not interrupt you when you're
18 answering, and I will ask you to do your best in
19 letting me finish answering -- asking a question,
20 even if you feel like you are ready and know the
21 answer.

22 A Okay.

23 Q Okay?

24 Note that your attorney may occasionally
25 object to my questions. This is to put their

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1 objections on the record. It does not mean that you
2 shouldn't answer the question.

3 Do you understand that?

4 A Yes.

5 Q Unless your counsel tells you not to
6 answer, you can go ahead. You understand?

7 A Yes.

8 Q Great. If you want to take a break for
9 any reason, that's fine. I just ask that if there's
10 a question pending that you finish answering it
11 before we take a break.

12 A Okay.

13 Q Also, at times you might remember an
14 answer five minutes after I ask, when you said you
15 didn't remember, or an hour later, that's completely
16 fine. Just when we come, you just say, you know
17 what, I remembered something about earlier and I
18 want to put it on the record. Great.

19 How are you feeling today?

20 A I'm doing okay.

21 Q Good. Is there any reason that you
22 wouldn't be able to answer my questions fully and
23 truthfully today?

24 A No, that I can think of.

25 Q Okay. For example, are you taking any

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1 medications that would inhibit you or impair you
2 from answering?

3 A No.

4 Q Okay, great.

5 Do you have any questions before we
6 proceed?

7 A No questions.

8 Q Okay. Great.

9 MS. TUCKER: I would like the court
10 reporter to mark this document as Plaintiff's
11 Exhibit 373, which is a number that we skipped
12 yesterday on the record.

13 (WHEREUPON, Plaintiff's Exhibit-373 was
14 marked for identification.)

15 BY MS. TUCKER:

16 Q Ms. Cleveland, this is a deposition notice
17 that we served for your deposition in connection
18 with the lawsuit against the State of Georgia
19 relating to the Georgia Network for Educational and
20 Therapeutic Supports program, commonly referred to
21 as GNETS.

22 Have you seen this deposition notice
23 before?

24 A I received notice through my attorney.

25 Q By your attorney, you Melanie Johnson?

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1 A Uh-hum. (Affirmative.)

2 Q Great. So you have not seen this document
3 before?

4 A No, I don't think I've seen this document.

5 Q When did you first learn about your
6 deposition today?

7 A I was notified -- has it been -- I don't
8 remember the specific date but I received
9 notification from my attorney.

10 Q Got it.

11 A Through email.

12 Q Would you say in the last few weeks?

13 A Yes.

14 Q Via email?

15 A Yes.

16 Q Okay, great.

17 What is your understanding of what this
18 lawsuit, United States versus Georgia, is about?

19 A My understanding is that United States
20 versus Georgia is taking a look at the Georgia
21 Network for Educational and Therapeutic Supports,
22 GNETS programming, and looking at that in light of
23 the practices, the programming for students that get
24 services through that program, as to whether or not
25 those program -- those services are discriminatory

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1 or segregating kids, and the United States is
2 looking at the implementation of that in that
3 framework, or light.

4 Q When did you first learn of this lawsuit?

5 A I worked, before my current role with the
6 Georgia Department of Education, I worked in a metro
7 district, and in that district we heard of the
8 lawsuit when I served in that previous role as a
9 director for that metro district.

10 Q What district was that?

11 A Atlanta Public School, executive director
12 for special education services.

13 Q Have you read any of the court filings in
14 connection with this lawsuit?

15 A I've seen the interrogatories, production
16 of documents. I have read the letters, the initial
17 -- whatever the documents -- I don't know your
18 legalese language for it.

19 I read the initial document when it
20 started in 2015.

21 Q The letter of finding? Does that sound --

22 A Yes, the letter of findings. Yes, I've
23 read that.

24 Q And have you read the complaint, which
25 would be the first document filed in court?

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1 A I think that would be the 2015 document?

2 Q So you're familiar with the 2015?

3 A And then I've read subsequent documents
4 that have come after that.

5 Q And how do you receive those documents?

6 A I receive the document -- one, they were
7 on the GNETS web page when I moved into this
8 position. So I was able to access them there.

9 Q Got it.

10 A And if I -- I'm trying to think if I
11 received any others electronically, but most of
12 those I pulled from the website coming into this
13 position. They were posted there at one point.

14 Q Do you recall receiving what's called a
15 litigation hold notice in this lawsuit, which is a
16 notice that told you not to delete documents and
17 maintain documents, your emails?

18 A Yes. When we were working on the
19 interrogatories, yes.

20 Q Have you been asked to collect documents
21 as part of the State's efforts to respond to the
22 DOJ's discovery requests, like the interrogatories?

23 A Yes. What is it, RPD -- production of
24 documents.

25 Q Production of documents?

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1 A Yes, Request For Production of Documents,
2 yes, I responded to that.

3 Q And who asked you to collect the
4 documents?

5 A Our general counsel sends the request, and
6 she receives them. Stacey Suber-Drake, yes.

7 Q And what steps did you take to collect the
8 documents?

9 A Coming in, some of those requests were
10 documents before my tenure in the position. So just
11 kind of trying to go through old emails, looking
12 through any documents that I had in my possession,
13 my computer, and pulling those and getting those
14 submitted. Reading through each request to match,
15 you know, crosscheck, do we have this, do I not have
16 that. And then producing those documents and giving
17 those to Stacey.

18 Q Thank you. And you are being represented
19 by Melanie today, that's correct?

20 A Yes.

21 Q And did you talk to anyone to prepare for
22 the deposition?

23 A I met with Melanie to prepare for the
24 deposition.

25 Q When did you and Melanie meet?

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1 A I'm not holding on the dates well. Was it
2 last Wednesday maybe? I don't want to say the wrong
3 day but it was last week.

4 Q Last week?

5 A Yeah.

6 Q About how long did you meet?

7 A Oh, about an hour, an hour 15 minutes.

8 Q Did you meet here at the offices?

9 A No. We did a Zoom meeting.

10 Q Was anyone else present?

11 A No.

12 Q Did you talk to anyone else about your
13 deposition today?

14 A No.

15 Q Apart from any documents that were shown
16 to you by Melanie, did you look at any documents to
17 prepare today?

18 A No. Just did preparation with her.

19 Q And did you bring any documents today?

20 A No.

21 Q Did you do anything else to prepare?

22 A No. That's really kind of go in -- go for
23 it.

24 Q Have you ever been deposed before, Ms.
25 Cleveland?

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1 A I have not.

2 Q Have you ever been a plaintiff in a
3 lawsuit before, Mrs. Cleveland?

4 A I was in a car accident. I'm not sure if
5 this would be the same. This was in the early '90s,
6 and I had an injury lawyer for that accident. So I
7 guess I would be the plaintiff -- the defendant or
8 the plaintiff? I'm trying to think.

9 Q Were you injured in the car accident?

10 A I was.

11 Q Have you been in any other lawsuit?

12 A No.

13 Q Thank you.

14 So there are a few acronyms and
15 definitions that I'd like to go over today to
16 confirm that we have the same understanding.

17 A Okay.

18 Q When I refer to "GaDOE," do you understand
19 that I mean the Georgia Department of Education?

20 A Yes.

21 Q When I refer to "GNETS," or the GNETS
22 program, do you understand that I'm referring to the
23 Georgia Network for Educational and Therapeutic
24 Supports?

25 A Yes.

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1 Q When I refer to the regional GNETS
2 program, do you understand that I'm referring to one
3 of the 24 regional GNETS programs --

4 A Yes.

5 Q -- across the State of Georgia?

6 A Yes.

7 Q When I refer to a GNETS center, or a
8 center, do you understand that I am referring to a
9 standalone GNETS location?

10 A Yes.

11 Q When I refer to a GNETS school-based
12 location, do you understand that I mean a GNETS
13 location that's located in a general education
14 setting?

15 A Yes.

16 Q When I refer to a general education
17 setting, do you understand that I'm referring to a
18 public school in Georgia where children with
19 emotional/behavioral disorder or other behavioral
20 health conditions receive instruction and services
21 alongside children who do not have disabilities?

22 A Yes.

23 Q When I refer to "EBD," do you understand
24 I'm referring to emotional behavioral disorder?

25 A Yes.

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1 Q When I refer to LEA, do you understand
2 that I'm referring to a local educational agency or
3 school district?

4 A Yes.

5 Q When I refer to a "BIP," do you understand
6 that I'm referring to a Behavioral Intervention
7 Plan?

8 A Yes.

9 Q When I refer to an "FBA," do you
10 understand I'm referring to a Functional Behavioral
11 Assessment?

12 A Yes.

13 Q When I refer to a "RESA," do you
14 understand that I'm referring to a Regional
15 Education Service Agency?

16 A Yes.

17 Q When I refer to "DBHDD," do you understand
18 that I'm referring to the Georgia Department of
19 Behavioral Health and Developmental Disabilities?

20 A Yes.

21 Q And when I refer to "DCH," do you
22 understand that I'm referring to the Georgia
23 Department of Community Health?

24 A Yes.

25 Q Thank you.

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1 Mrs. Cleveland, what's your highest level
2 of education?

3 A I have an educational specialist degree in
4 educational leadership and administration.

5 Q And where is that from?

6 A Lincoln Memorial University.

7 Q And when did you receive that?

8 A There we go with dates.

9 Q I'm not trying to --

10 A No, I'm getting older.

11 Let's see. 2000 -- it's been maybe seven
12 -- 2007. I'm thinking it was 2007.

13 Q And then where did you attend college?

14 A University of Georgia, undergrad.

15 Q And what degrees did you receive?

16 A Educational psychology, B.S.Ed.

17 Q Do you remember what year you graduated?

18 A 1986.

19 Q Any other degrees?

20 A I have a master of education degree in
21 special education from Georgia State University.

22 Q Do you remember what year?

23 A That should be 1989.

24 Q Great. Do you hold any professional
25 certifications?

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1 A None other than my degree teaching
2 certificate with the State of Georgia.

3 Q Is that current?

4 A It is current.

5 Q And when did you receive that?

6 A 1989 I think I got my first certificate.

7 Q Okay.

8 A Think of the dates. '89, because I
9 started teaching in '89. So I received a
10 certificate from PSC, and that's updated as you add
11 additional certification areas, and I added
12 administration. So that was added once I moved into
13 administration.

14 Q And when was that?

15 A My first leadership position -- oh, I do
16 have another special education endorsement, director
17 of special education endorsement. I received that
18 from Georgia State.

19 So I'm thinking of the timeline on that.
20 I received that in '89. So the question was when
21 did I get the teaching?

22 Q Certification.

23 A Certification. So that would have been in
24 '89.

25 Q And then the administration on top of

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1 that, you mentioned?

2 A I got the director of special education
3 endorsement, which was right after -- right before,
4 right after that one. And then I received
5 educational leadership, and that added another area
6 So that would have been that 2007 degree was
7 attained. That should be the date.

8 Q A moment ago you mentioned a PSC?

9 A Professional Standards Commission. They
10 are the ones that license teachers in the State of
11 Georgia.

12 Q Thank you. What is your current job
13 title, Mrs. Cleveland?

14 A My current job title is program manager
15 for the GNETS program, GNETS.

16 Q And is your employer --

17 A Georgia Department of Education.

18 Q And when did you assume the position of
19 GNETS program manager?

20 A That would have been in February of 2018.
21 I moved into the role in an interim role in -- I
22 think it was around November 2017, and then moved
23 into the permanent role in February of 2018.

24 Q Who do you report to as program manager?

25 A Wina Low. She is the State director for

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1 special education.

2 Q Has that changed during your time as GNETS
3 program manager?

4 A It has. She was recently moved into that
5 role in September of 2021, last fall, in an interim
6 role, and now she's our permanent director for
7 special education. So before that I reported to the
8 previous state director.

9 Q And who was that?

10 A Zelfphine Smith-Dixon.

11 Q And was Zelfphine Smith-Dixon, and now Wina
12 Low --

13 A She's the new state director.

14 Q -- those are the only two individuals that
15 you've reported to as your time as GNETS program
16 manager?

17 A Previously Nakeba Rahming was the deputy,
18 was one of our directors. I guess of Federal
19 Programs was her title. She held that role before I
20 became the program manager for GNETS, and I have had
21 a short tenure with her, from February until she
22 left for leave, and unfortunately did not return.
23 She was serving as the deputy.

24 Q Am I correct then that your first
25 individual who evaluated was Nakeba Rahming, then

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1 Zelphine Smith-Dixon, and then currently Wina Low?

2 A Nakeba Rahming didn't evaluate, but she
3 was the deputy and she and Zelphine were kind of
4 sharing that I guess supervision, supervisory role.

5 So it was Nakeba and Zelphine, and Nakeba
6 did not return, and then I reported to Zelphine, and
7 now to Wina Low.

8 Q Who evaluates you?

9 A Wina Low.

10 Q Wina?

11 A Uh-hum. (Affirmative.)

12 Q Would I be correct that Zelphine
13 previously --

14 A Yes.

15 Q -- evaluated you?

16 A She did.

17 Q Do you have any direct reports?

18 A I do have one. Lakesha Stevenson is the
19 program specialist.

20 Q When did Lakesha Stevenson begin in that
21 role?

22 A Dates again. I'm trying to think. I'm
23 thinking it may have been fall of 2018, because I
24 became a manager in February in that position, was
25 approved -- I think she started in the fall, in

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1 2018.

2 Q Did anyone hold that position before
3 Lakesha Stevenson?

4 A No. It was a new position.

5 Q Did you create it?

6 A Yes.

7 Q Yeah?

8 A Yes.

9 Q Why did you create it?

10 A As the program manager, the workload would
11 have been a lot for one person to, you know,
12 effectively manage it and do a good job. So I asked
13 for additional support or help. And I think -- I
14 just needed that extra support to help the work.

15 Q I see. So you have not had any other
16 direct reports --

17 A No.

18 Q -- as GNETS program manager?

19 A No.

20 Q Before working as GNETS program manager,
21 what was your prior position?

22 A I was also in a role at the Georgia
23 Department of Education, called a district liaison
24 position.

25 I came to the department in September of

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1 2016. So I served as a district liaison in that
2 role before moving to program manager for GNETS.

3 Q So this was district liaison with GaDOE?

4 A With the Georgia Department of Ed, yes.

5 Q Was this under the Special Education --

6 A Yes.

7 Q -- Division?

8 A It is in the Special Education Division.

9 Q And did you interact with the Georgia
10 Department of Education working on the GNETS program
11 in this role?

12 A Not really in that role.

13 Q Is that the only other position that you
14 had at the Georgia Department of Education?

15 A Yes.

16 Q Did you work with any of the regional
17 GNETS programs as district liaison?

18 A As district liaison, we are assigned
19 regional areas, and I did work with the regional
20 area and provided training and technical assistance
21 for special education directors for the region that
22 I was assigned to.

23 Q What region was that?

24 A It's the Dublin area. That region.

25 Q Were you working with the GNETS program

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1 only, or were you working with the Dublin area?

2 A No. As a district liaison, the way it's
3 set up regionally, you have different LEAs that are
4 part of that region, and I was working, training and
5 providing technical assistance for special education
6 directors.

7 Q In Lawrence County; is that correct?

8 A It's that, it's that region, Lawrence,
9 Dublin, Heartland area, Putnam. Those were
10 different LEAs that were part of that regional
11 group.

12 Q Did you work with any other state agencies
13 as district liaison at GaDOE?

14 A As the district liaison?

15 Q Uh-hum. (Affirmative.)

16 A Really just in the Special Education
17 Division. There may have been some cross-training,
18 but mostly within the Special Education Division and
19 supporting those LEAs.

20 Q And that -- I think you were referring to
21 others in the Georgia Department of Ed?

22 A Yes.

23 Q Did you work with any other state
24 agencies?

25 A No. Agencies, no. Not in that role, no.

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1 Q And before you worked as district liaison
2 with GaDOE, what was your prior position?

3 A I came to GaDOE September 2016, and prior
4 to that I worked -- I was the executive director for
5 special education for Atlanta Public Schools.

6 Q You mentioned that.

7 A Uh-huh.

8 Q And when did you assume that position?

9 A I started Atlanta Public Schools in 2012,
10 September of 2012.

11 Q Did you interact with any GaDOE colleagues
12 working on GNETS when you were with Atlanta Public
13 Schools?

14 A GaDOE colleagues would come as part of
15 their monitoring to just, you know, to meet with the
16 district to talk about special education programming
17 under the general supervision lens.

18 With GNETS, as executive director, I had a
19 GNETS provider, or two initially. As special Ed
20 director it was North Metro GNETS, GNETS provider
21 for Atlanta Public Schools, and then South Metro
22 GNETS was also a provider for Atlanta Public
23 Schools.

24 So, yes.

25 Q So you worked with the regional GNETS

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1 programs during your time as --

2 A With those two programs. They provided
3 the GNETS services for Atlanta Public Schools
4 students.

5 Q We'll have to be careful about speaking
6 over one another.

7 A I'm sorry.

8 Q No, no. You're good.

9 But you did not work -- am I correct that
10 you did not work with anyone in GaDOE regarding the
11 GNETS program at that time?

12 A Not that I recall as the director. It was
13 the local services.

14 Q And before Atlanta Public Schools?

15 A Before Atlanta Public Schools, I served as
16 a coordinator for special education services with
17 the DeKalb County School District. Also coordinator
18 for middle school programs before transitioning to
19 Atlanta as a director, and provided leadership,
20 supervision for the middle school programming.

21 Q Did you interact with the DeKalb Rockdale
22 GNETS program at that time?

23 A I did. As the coordinator for middle
24 school special education, I worked with the GNETS
25 director at that time for the DeKalb Rockdale

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1 program, and I worked with them in creating classes
2 to transition students into two middle -- I think it
3 may have been two middle school classrooms.

4 So, yes, I did work with the GNETS
5 director.

6 Q Can you tell me more about what you mean
7 by creating transition classrooms?

8 A For students that may have been center
9 based, which is the separate facility model, we
10 worked together and looked at, you know, IEPs and
11 did IEP meetings and worked with the local
12 administration in one of the middle schools to open
13 two classrooms to -- what we now look at as
14 school-based.

15 So I moved students from center-based to
16 school-based locations.

17 Q And what brought about your idea to do
18 this?

19 A Just looking at more inclusive practices
20 and, you know, giving kids access to typical peers.

21 Q Did you refer to -- did you refer students
22 for GNETS placement when you were with DeKalb
23 Rockdale?

24 A I didn't participate in -- at the
25 coordinator level, we did not participate in the IEP

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1 meetings. That, of course, would be the school
2 team, and if GNETS was participating in those. So I
3 did not -- what was the question again? I want to
4 make sure I'm clear.

5 Q I was curious if you referred students for
6 GNETS placement during your time with --

7 A No. Because I did not participate in IEP
8 meetings in that role.

9 Q We'll have to again be careful about
10 letting one another finish.

11 Great. Thank you.

12 A moment ago you mentioned wanting to give
13 students more access to typical peers in their
14 general education setting. Why were you seeking to
15 do this?

16 A I'm trying to think back in that role. We
17 were looking at -- let me see.

18 As, as a special educator, you're always
19 looking to, you know, work with students and ensure
20 that they're getting their services in a least
21 restrictive environment. And in looking at that, I
22 can't remember if this was something that maybe our
23 leadership had talked about but I know I wanted to
24 see -- you know, make sure we were looking at kids
25 getting services in the least restrictive

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1 environment. So I thought that would be an
2 opportunity to start looking at some of these
3 classes and opening up classrooms so that they would
4 be mainstreamed back into school-based environments.

5 Q Had you heard about transition classrooms
6 elsewhere across the State for other GNETS?

7 A In that role or now?

8 Q In that role.

9 A I had not. I had not because I was kind
10 of interested in that DeKalb work environment.

11 Q And for the students that you transitioned
12 into those transition classrooms from centers, do
13 you know if they had access to gen ed classes or
14 electives?

15 A I mean I don't recall specific schedules,
16 but IEP teams met of course based on looking at
17 data, response to data. Data would drive that
18 decision or recommendation of the team to transition
19 or have the kids move to a lesser restrictive
20 environment.

21 So those decisions were made by IEP teams.

22 Q And while you were at DeKalb, were more
23 transition classrooms created?

24 A I know we did two at Redan Middle. I'm
25 trying to think if there were others. It's been so

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1 long ago.

2 I don't recall but I do remember working
3 with them and working with the local administration
4 in getting the two at Redan, but I don't recall. I
5 can't think of any others.

6 Q Thank you.

7 I am interested in learning more about
8 your role as GNETS program manager.

9 A Okay.

10 Q Do you recall when you applied?

11 A I was asked by the administration to go
12 into the interim role. So I did an interim, and
13 then that position was officially posted. So I
14 would have applied early maybe January, because I --
15 I think the interview may have been in February.

16 I started the role in February, so I'm
17 trying to think when the interview was. I don't
18 recall the date.

19 Q So earlier you mentioned you started in
20 the permanent role in February 2018?

21 A Right. So that application process would
22 have been before then.

23 Q Who in the administration asked you to
24 work in the interim role?

25 A Nakeba. Was approached by her.

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1 Q You had worked with Nakeba -- is this
2 Nakeba Rahming?

3 A Yes. I had not.

4 Q So it was a surprise?

5 A Yeah.

6 Q And you were in this interim role for how
7 long?

8 A No. I think it was November 2021, and
9 then moved into the permanent role in February.

10 Q So when you were serving as interim, you
11 chose to apply for the permanent role?

12 A Yes.

13 Q What led you to that decision?

14 A I had -- you know, working as a director
15 in Atlanta, I had experience working with GNETS, the
16 North Metro GNETS and South Metro GNETS program. So
17 I worked there. Then my experience in DeKalb,
18 working there with the -- providing leadership with
19 the transition classes. I felt that experience
20 could help moving into that role.

21 Q And when you started the interim role, I
22 think earlier you just said November 2021. But you
23 mean November --

24 A No, I said -- I'm sorry.

25 Q Did you mean November 2017?

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1 A 2017, correct. Yes.

2 Q Thank you. Just wanted to get it correct
3 on the record.

4 A See the timeline. I'm trying to think of
5 the timelines.

6 Q Thank you.

7 When you applied, did you assume it was
8 going to be similar responsibilities to what you
9 were doing as the interim program manager?

10 A Yes, and that was a short window, too,
11 from November to February, but yes.

12 Q And what did you understand the role to be
13 of the GNETS program manager?

14 A To provide technical assistance to the 24
15 programs that are out there across the State
16 throughout the network; to work with the budget
17 division in looking at allocations for GNETS
18 funding; working with them to allocate those funds
19 to the GNETS programs; working with the budget
20 division within special education to review budgets
21 that were submitted for approval with them;
22 providing technical assistance around the strategic
23 plan, which is the framework for issues for
24 implementation of the GNETS program; training on the
25 Board rule to GNETS directors and also LEAs if

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1 needed.

2 I'm trying to think what else.

3 And just providing professional learning
4 and technical assistance as needed and throughout
5 the year for GNETS directors.

6 Q Have these responsibilities changed as
7 your -- during your time as program manager?

8 A The responsibilities are still the same.
9 Still -- maybe more training, collaborative training
10 with other divisions, like making sure GNETS has
11 access to TKES and LKES training, professional
12 qualifications, working with Title II. So I worked
13 with some other units to get technical assistance to
14 GNETS directors.

15 Q You just mentioned TKES and LKES?

16 A That is the evaluation system for teachers
17 in the State of Georgia and LKES is the evaluation
18 tool that is used for leaders in the State of
19 Georgia.

20 So Title II provides training for the
21 GNETS directors on the TKES piece. Because all
22 teachers are evaluated on TKES.

23 Q What does Title II refer to?

24 A Title II, the piece that I collaborate
25 with my colleagues on, is the certification, teacher

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1 certification piece.

2 Q So you work on the certification piece
3 within Title II?

4 A I don't work on that piece, but Karen
5 Cliett leads the professional qualifications Title
6 II, which is certification piece of that, and she
7 provides training to GNETS directors. So I reach
8 out to her to find out when she can provide that
9 training.

10 Q And is this Title II of state law or
11 federal law?

12 A Title II is federal law. I just know it's
13 in the Title II Division, and I just work with her
14 on the training.

15 Q How did you spell her name? Or how do you
16 spell her name?

17 A I think it's Karen, K-A-R-E-N, Cliett,
18 C-L-I-E-T-T.

19 MS. TUCKER: I'd like the court reporter
20 to mark this document as Plaintiff's Exhibit
21 375 because we used 374 yesterday.

22 (WHEREUPON, Plaintiff's Exhibit-375 was
23 marked for identification.)

24 MS. TUCKER: So the Bates number on the
25 first page of this exhibit is Georgia 00317569.

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1 BY MS. TUCKER:

2 Q And this is an email that you forwarded
3 yourself on March 16th, 2018, and it has one
4 attachment, correct?

5 A Yes.

6 Q The underlying email was sent to you by
7 Nakeba Rahming on March 13th, 2018, correct?

8 A Uh-hum. (Affirmative.)

9 Q We'll have to remember to say yeses
10 instead of an uh-hum and nods.

11 A Yes.

12 Q Thank you, Ms. Cleveland.

13 Do you recognize this email?

14 A I do.

15 Q And earlier we went over Nakeba Rahming
16 and Zelfphine Smith-Dixon, correct?

17 A Yes.

18 Q And Nakeba Rahming was Zelfphine's deputy
19 for a time, correct?

20 A Yes.

21 Q Let's flip to the first page of the
22 attachment.

23 A Okay.

24 Q Which starts with GA0031751.

25 571.

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1 GA00317571.

2 Do you recognize this chart?

3 A Yes.

4 Q Did you create this chart?

5 A I don't recall creating the chart. Well,
6 let me make sure.

7 I know we talked about -- we met and
8 talked about what the responsibilities would look
9 like, Nakeba and I, and Zel was a part of that
10 conversation, and we talked about what
11 responsibilities I would have in the role.

12 So I cannot definitively say I just
13 created it, but I know we had discussion about what
14 my responsibilities would be.

15 Q And by "we," you mean Nakeba Rahming --

16 A Yes, and Zel.

17 Q And by Zel --

18 A Zel --

19 Q You mean Zelphine --

20 A Zelphine Smith-Dixon.

21 Q And the top of this charts reads: "GNETS
22 Program Manager Support, Vickie Cleveland."
23 Correct?

24 A Yes.

25 Q At the top, am I correct that it reads

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1 "Direct report to Nakeba for 2 years"?

2 A Yes.

3 Q Why two years?

4 A That was determine -- a recommendation she
5 had made as the deputy because she had served in
6 this previous role, and she wanted me to work with
7 her for a couple of years. That's kind of to shadow
8 because she had done the role before, but
9 unfortunately she did not return.

10 Q And then after the two years, everything
11 was -- all of the support was with Zelvaine?

12 A Yes. She was my direct supervisor.

13 Q It seems like there are some
14 responsibilities identified on this chart. Would
15 you agree?

16 A Yes.

17 Q Are there any responsibilities that are
18 missing?

19 Can you take a look?

20 A Okay.

21 (Witness reviews exhibit.)

22 A I'm trying to think if there's anything in
23 addition to all that.

24 That seems to -- correct.

25 Q I believe earlier you mentioned that

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1 Zelfphine evaluated you and not Nakeba Rahming?

2 A Correct.

3 Q On the column with Nakeba, do you see
4 where it says, "Vickie's performance evaluation"?

5 A Uh-hum. (Affirmative.)

6 Q So did Nakeba Rahming evaluate you?

7 A No. She -- when I came on board in
8 February 2018, she left in April. So I did not
9 receive an evaluation from her. And I had a short
10 window of working with her as kind of a
11 co-supervisor because I came on board February and
12 she left in April.

13 Q She left in April 2018?

14 A Yes.

15 Q There are a few abbreviations or acronyms
16 on this chart.

17 A Okay.

18 Q What is OPB?

19 A Office of Planning and Budget.

20 Q Within GaDOE?

21 A No. That is within the State, the budget
22 office.

23 Q The IDT?

24 A That's the independent directors -- I'm
25 trying to think what the "T" stands for, but it's

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1 through the System of Care for the State, and I
2 previously attended those meetings, was a member of
3 that, but now my specialist Lakesha Stevenson
4 attends those meetings.

5 Interdirectors -- it's like a consortium.
6 I can't think of what the "T" stands for.

7 Q Would it be team?

8 A It's team but I don't know.

9 Q Does Interagency directors Team --

10 A Yeah -- I know it's interagency directors,
11 so it would -- I guess it may be safe to say team
12 but I can't think -- it's IDT. I just know it's
13 IDT.

14 Q You had just mentioned System of Care.
15 What is a System of Care?

16 A System of Care is -- it's the overarching
17 plan that comes out of IDT. As far as GNETS for the
18 State, we attend the meetings. I don't know all the
19 ins and outs of what the System of Care does. I
20 know that's the, the -- it's my understanding this
21 is the plan for different agencies with the State,
22 but we just attend the meetings for the IDT.

23 Q You just mentioned that it's a plan for
24 different agencies. Plan for what?

25 A I've seen the plan. It's just -- it's

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1 through an umbrella. I don't know a lot of
2 specifics about it, but it's a System of Care.

3 Q Is it specific to students?

4 A I don't think so. I'm not sure. I don't
5 think so. I'm not sure.

6 Q Let's move over to the second column,
7 starting with "Collaborative support from Zelfphine."

8 A Uh-hum. (Affirmative.)

9 Q The second bullet, do you see where it
10 says, "CFM visits"?

11 A Yes.

12 Q What is CFM?

13 A Cross-functional monitoring visits are
14 monitoring that takes place through Federal
15 Programs. In the Special Education Division the
16 cross-functional monitoring visits are done by RDA,
17 results driven accountability, Team, and they go out
18 and review. I know they take a look at IEPs and
19 look at IEPs for compliance.

20 And if they find any findings, as far as
21 the compliance piece of IEPs, they would notify me
22 if there were findings within their visits.

23 Q And by IEP, are you referring to an
24 Individualized Education Plan?

25 A Yes.

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1 Q And it says, "Collaborate with DLs"?

2 A Those are the district liaisons. They're
3 the staff that go out to do the cross-functional
4 monitoring visits with the different LEAs.

5 Q And they also look at GNETS programs?

6 A They do file reviews, is my understanding,
7 and then the file reviews they do look at -- I think
8 for each visit to GNETS files they review.

9 Q Is that set somewhere as a rule, that it's
10 two GNETS files per review?

11 A I'm not sure if we would define it as a
12 rule, but I know that has been the process that has
13 been articulated to me, that they do review two
14 files when they go out to do those visits.

15 Q And are those visits annual?

16 A I think it's a three-year rotating cycle.
17 Every three years different fiscal agents are
18 reviewed. So it's a three-year rotation.

19 Q Thank you.

20 A Uh-hum. Sure.

21 Q The fourth bullet down reads: "Present at
22 SELDA as needed." Correct?

23 A Yes.

24 Q What is SELDA?

25 A SELDA is a Special Education Leadership

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1 Development Academy.

2 It's an academy for new directors of
3 special education that's led by -- led through the
4 Special Education Office Division.

5 Q What do you present on?

6 A I've presented probably maybe twice to
7 SELDA, and my presentation is around GNETS. The
8 Board rule, explain the Board rule.

9 Some of my training has been defining the
10 roles, LEA responsibilities, GNETS directors'
11 responsibilities.

12 Q And the SEA responsibility?

13 A Yes, and the SEA responsibilities. I
14 presented -- yeah, around the rule and the
15 responsibilities defining those roles.

16 Q And by SEA, do we agree we mean state
17 education agency?

18 A That is correct.

19 Q Let's go down two bullets. Do you see
20 where it reads "Collaborate on PL" and then in
21 parenthesis "GLRS support."

22 A Uh-hum. (Affirmative.)

23 Q You see that?

24 A I do, yes.

25 Q Could you please tell me what that means?

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1 A The Georgia Learning Resource Services are
2 our regional leaders. I'm not sure how many there
3 are, but I have not done a lot of collaboration with
4 our former GLRS program manager.

5 So that was listed but I have not done a
6 lot of collaboration with GLRS.

7 Q And by PL, what did it mean?

8 A Professional learning.

9 Q Is this something you look to do more of?

10 A It could be but I have not had any
11 planning on it.

12 Q Thank you.

13 And you mentioned this captures the
14 majority of your responsibilities? Is that correct?

15 A It does capture the majority, yes.

16 Q Thank you.

17 MS. TUCKER: I'd like the court reporter
18 to mark this document as Plaintiff's Exhibit
19 366 -- 376.

20 The Bates number on the first page of this
21 exhibit is Georgia -- or GA00016072.

22 (WHEREUPON, Plaintiff's Exhibit-376 was
23 marked for identification.)

24 BY MS. TUCKER:

25 Q This is a February 1st, 2018 email from

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1 Nakeba Rahming to the regional GNETS program
2 directors with the subject line "GNETS Program
3 Manager," and you are copied to this email.

4 Mrs. Cleveland, do you recognize this
5 email?

6 A I do.

7 Q Am I correct that in this email Nakeba
8 Rahming officially announces you as the GNETS
9 program manager?

10 A Yes.

11 Q Do you see where Nakeba Rahming writes, in
12 the last sentence, quote: "She and I will continue
13 working together to ensure that you and your
14 students continue to have direct representation and
15 support at the state level."

16 A Yes.

17 Q Am I correct that Nakeba Rahming is
18 referring to you as the "she" --

19 A Yes.

20 Q -- in that, in that sentence? Am I
21 correct?

22 A Yes.

23 Q How did you and Nakeba Rahming work
24 together to ensure regional GNETS program directors
25 and their students had direct representation at the

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1 state level?

2 A Coming in in February, again with her
3 leaving in April, did not have a lot of time to plan
4 what that would look like, but it would fall within
5 those responsibilities that I had, that are outlined
6 in what my job responsibilities were going to be to
7 provide that technical assistance, which is
8 training -- which would be my understanding,
9 training, professional learning, and also supporting
10 through the monitoring process. But we did not get
11 to work together on that.

12 Q After Nakeba left in April 2018, would you
13 agree that you had provided that state level
14 representation and support for the regional GNETS
15 programs?

16 A Support in the vein of what those
17 responsibilities are, that I outlined earlier. You
18 know, the responsibilities allocating budgets,
19 reviewing the budgets, strategic plan
20 implementation, monitoring on that.

21 So I would say within my responsibilities,
22 yes, providing technical assistance to those
23 programs.

24 Q And representation and support at the
25 state level, consistent with her words?

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1 MS. JOHNSON: Objection.

2 You can answer.

3 A Say it again. I'm sorry. Can you repeat
4 the question?

5 Q Yes. Ms. Rahming mentioned that she
6 planned for you and her to work to make sure the
7 regional GNETS programs have direct representation
8 and support at the state level. I was wondering if
9 you feel that you may have that direct
10 representation for the regional GNETS programs at
11 the state level?

12 MS. JOHNSON: Objection.

13 You can answer.

14 A I do not see it as direct representation.
15 I see it as providing technical assistance and
16 professional learning support.

17 Q Who have you worked with at GaDOE in
18 connection with your role as GNETS program manager?

19 A I have the responsibilities, with the
20 budget piece, the allocation of budget, I worked
21 with Geronald Bell, who is the budget liaison who
22 works with GNETS.

23 Q And Geronald Bell is a budget liaison
24 within GaDOE?

25 A Yes. Within the budget division, yes.

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1 Q What ways do you work with Geronald Bell?

2 A I work with him as the budget process
3 starts. I provide the student record count
4 information for the previous year to Geronald. Once
5 that's provided to him, he then will circle back as
6 the budget process plays out throughout the
7 legislature and the Office of Planning and Budget.

8 Once final budgets are recommended or
9 whatever their word is, they're approved, he then
10 will follow back up with me to let me know what the
11 allocations are for the upcoming year.

12 I then take that information, create Board
13 items for approval. The budgets are to be approved
14 by the Board.

15 I then allocate those resources, the
16 grants, to the different GNETS programs.

17 Q You just mentioned a Board. What Board?

18 A The State Board of Education.

19 Q Ger -- what is it?

20 A Geronald.

21 Q -- gives you the amount. You said that
22 you determine the allocations; is that correct?

23 A He provides the formula for how the
24 allocations will be applied. Once he gives me that,
25 then I create Board document items to present to the

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1 State Board of Education, or our deputy presents
2 those for State Board approval.

3 Once those are approved by the State Board
4 of Education, then the grants are allocated to the
5 different programs.

6 Q What type of State Board approvals do you
7 seek?

8 A Any funding above \$50,000 has to be
9 approved by the State Board of Education. And these
10 grants meet that criteria.

11 Q Is each GNETS grant approved independently
12 by the State Board of Education?

13 A The grant is not approved independently.
14 It's approved as the grant for the GNETS program.
15 And there is a state grant and a federal grant.

16 Q Does the State Board of Education look at
17 each amount for each regional GNETS program?

18 A Yes. As part of that Board item there is
19 an allocation spreadsheet that states the amount for
20 each program.

21 Q For the year?

22 A Yes.

23 Q Who at the State Board of Education do you
24 work with on this?

25 A I do not work with anyone at the State

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1 Board of Education. I prepare the Board item, and
2 that is given to my -- shared with the State
3 director for special education and the deputy of
4 Federal Programs, who then presents the board items.

5 Q So this goes to Wina Low?

6 A Yes.

7 Q And --

8 A Share that with her, and Shaun Owen is the
9 deputy superintendent for Federal Programs.

10 Q And they bring this to the State Board of
11 Education?

12 A That's brought, this item.

13 Q Do you know if there are certain
14 individuals on the State Board of Education that
15 look at this, or is it all of --

16 A I'm not sure if there are certain
17 individuals. I just know it goes through whatever
18 that State Board of Education process is for items
19 that are brought to the Board, and it's brought to
20 the Board for approval.

21 Q Okay. Who else do you work with in GaDOE?

22 A I work with -- within the Special
23 Education Division. Of course I work with Wina Low,
24 who is the State director for special education.

25 I participate in staff meetings for the

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1 Division of Special Education, participate in
2 program manager meetings for the Division of Special
3 Education.

4 I mentioned earlier at the State Karen
5 Cliett provides training on professional education.

6 What is Deanie's last name? Deanie
7 provides training on the TKES and LKES process.

8 Sandy DuMuth provides training for GNETS
9 directors on PBIS, Positive Behavioral Interventions
10 and Supports.

11 Q For Ms. -- Wina -- Wino --

12 A Wina.

13 Q For Wina Low -- I'll get her name, I
14 promise.

15 A That's okay.

16 Q Wina Low, how frequently do you
17 communicate with her?

18 A We have touch-base meetings bi-weekly, and
19 I'll see her in our program managers' meetings that
20 are weekly.

21 Q How many individuals are at the program
22 manager meetings?

23 A How many of us are there? Approximately
24 12 or 13 of us.

25 Q You meet with Ms. Low bi-weekly. Do you

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1 also email regularly with her?

2 A If there are things I need to communicate,
3 yes.

4 Q Are there certain projects or tasks that
5 you work closely with Wina Low on?

6 A Like the budget, I was talking to her
7 about the allocations, and this is what I'm
8 recommending -- not recommending. What I'm
9 preparing to go to the Board for budgets. I
10 definitely talk to her about that.

11 If there are trainings coming up, I inform
12 her of any trainings that are coming up or invite
13 her to come if she's available to come.

14 Q Earlier you mentioned that you also work
15 with Shaun Owen?

16 A She's the deputy. Yes. Of her programs.

17 Q And how frequently do you communicate with
18 Shaun Owen?

19 A She has -- she holds Federal Programs
20 meetings, so I'm a part of that, but it may not be a
21 one-on-one conversation. I attend those meetings
22 with her.

23 She has participated in the touch-base
24 meetings before, but she doesn't participate as
25 frequently. It's bi-weekly now. But she has

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1 participated in those before.

2 And she also -- did I mention program
3 manager meetings? And then all federal program
4 manager meetings, she conducts those and I
5 participate in those with her.

6 Q A moment ago you said that Shaun Owen
7 participates in touch-base meetings. Did you mean
8 the touch-base meetings that you have with Wina Low?

9 A Yes, bi-weekly meetings.

10 Q Do you communicate with Superintendent
11 Woods in your role?

12 A No.

13 Q Have you ever?

14 A I have had a touch base with him maybe --
15 approximately maybe three years ago. Just an
16 update, but I've not communicated directly with him
17 recently, no.

18 Q Update on what?

19 A GNETS programming. With trainings. I was
20 providing budget. It was just, just pretty much the
21 things around my roles. I think it's maybe three
22 years ago. I don't have that exact date, but that's
23 the only meeting I've had with him.

24 Q How about Matt Jones?

25 A I don't meet -- what's the question?

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1 Q Do you work with Matt Jones?

2 A Oh, no, not directly, no.

3 Q Have you communicated with Matt Jones?

4 A I've communicated with him.

5 Q By email?

6 A I don't recall specific emails. It
7 doesn't mean there aren't emails but, no, I don't
8 have weekly meetings or anything like that with him.

9 Q Have you had any meetings with him?

10 A Have I had any meetings with him? I can't
11 recall any meeting recently with him, but we had a
12 meeting -- this was maybe four years -- I mean four
13 years ago we were meeting. There was an article
14 that had come out and we were -- I met with him to
15 discuss that article.

16 Q What article would that be?

17 A It was an article that had come out on the
18 New Yorker Magazine, about one of the programs that
19 had some -- a concern.

20 Q What was the concern?

21 A The article, if I recall correctly -- I
22 don't recall the details of the article, but there
23 was an incident that happened at one of the
24 locations. Maybe -- I think it was Pathways maybe.
25 This was as I was coming into the role. I think it

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1 may have been Pathways.

2 Q What was the incident?

3 A I don't remember specific details about
4 the incident, but there was an incident with a
5 student, and I don't know how it bubbled up into the
6 article. I just know the article was there and we
7 just met to talk about, you know, what was outlined
8 in the article.

9 Q And what was the incident with the
10 student?

11 A I don't remember specifically. I know
12 there was something with the student and a staff
13 member. I don't know specifically what happened,
14 but there was an incident with the student and the
15 staff member.

16 Q And what is Matt Jones's role?

17 A Matt is chief of staff.

18 Q Do you remember the discussion at that
19 meeting?

20 A No, I don't. I do not recall.

21 Q Do you recall if you took any steps after
22 that meeting in response to Matt Jones's concerns?

23 A I don't remember.

24 Q Do you work with Pat Schofill in your
25 role?

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1 A I have worked with him on a couple of
2 items. When I was initially transitioning in, I met
3 with him for some facilities, building grant that
4 was out there, and he was just updating me on the
5 facilities grant and which programs were allocated
6 with that grant, and kind of updated me on the
7 drawdowns or how they were spending on the grant.

8 So I met with him. You know, initially
9 come in for him to discuss that with me.

10 We met, too, to talk about visits because
11 we were -- I was doing -- conducting visits before
12 the pandemic, and all that shut down. See what I
13 could, you know, do to support, and see the programs
14 in action out there.

15 We met and I just said these are, you
16 know, the locations I'm going to visit.

17 Then I also talked to him a couple of
18 times when we were pulling together the list of
19 locations. I was providing -- helping support
20 information around the list of locations for the
21 GNETS programs, where they were located, because
22 that is self-reported information on each program to
23 the State, of where they're providing the services.
24 So looking at the list and getting that document to
25 him.

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1 Q Do you get that --

2 A I'm sorry.

3 Q Please go ahead.

4 A I forgot my thought. You can go ahead.

5 Q Do you provide that list to him yearly?

6 A No. This is when we were -- actually, it
7 was working with Mike Rowland but I think he was --
8 initially I guess he had been asked did he have a
9 list, and working with Mike Rowland we were able to
10 pull that list together to give to him.

11 Q A moment ago you mentioned you worked with
12 Pat Schofill related to grants?

13 A There was a facility grant that was in
14 place as I was transitioning in, and Nakeba had
15 mentioned that grant was there and that Pat was
16 managing that grant. So I just touched base to ask
17 what is this grant and what is it for, and I think
18 the grant was allocated to specific GNETS. I don't
19 recall which ones. And he shared the grant, the
20 drawdowns, how they were spending the grants. To
21 upgrade facilities, I think he shared.

22 Q And it was a GNETS specific facilities
23 grant?

24 A My understanding from him, yes, it was.

25 Q Does that still exist?

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1 A I'm thinking the time -- you would have to
2 confirm that with his office, but I'm thinking the
3 time frame of that grant has expired. They would
4 have to confirm that.

5 Q What office does he --

6 A Facilities.

7 Q A moment ago you mentioned Mike Rowland.
8 What is his role?

9 A I think Mike was the assistant director of
10 maybe facilities.

11 Q What ways do you work with Mike Rowland?

12 A He has retired, but when I did work with
13 -- communication I did have with him was around
14 facilities locations, and I was helping him compile
15 the list of the GNETS locations.

16 Q You just mentioned that Mike Rowland is
17 retired. Do you know who holds that position now?

18 A I do not.

19 Q Do you know who you would give a list of
20 the GNETS locations to?

21 A I do not.

22 Q Do you maintain a list of the GNETS
23 locations?

24 A We do. They list their locations in the
25 -- there's a GNETS grant application that they

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1 complete for, you know, to take for review of
2 allocations of the GNETS grant, and one of the items
3 they provide in that grant are the different
4 locations where kids receive services.

5 Q Do you work with Amber McCollum in your
6 role?

7 A I have worked with Amber, yes. She's our
8 senior program manager for budget.

9 Q Is she in the same office as Mr. Bell?

10 A No. Amber sits in the Department of
11 Special Education. Mr. Bell is in the budget
12 office.

13 Q How do you work with Amber?

14 A Before her previous role, I worked with
15 Amber on creating the GANS, the grant award
16 notifications. For the different grants there's a
17 piece in there on special education that we put in
18 on PQ qualifications around professional
19 qualifications for teachers.

20 So I've worked with her on getting those
21 GANS created. If I have questions around carryover
22 or indirect costs, I work with her on that.

23 I mostly work now with her team of special
24 ed, and she has a program manager now, and we review
25 the budgets collaboratively that are submitted by

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1 the GNETS directors.

2 Q You mentioned a few things I'm not
3 familiar with.

4 A Sure.

5 Q GANS?

6 A Grant award notification. When a grant is
7 allocated to an LEA or to GNETS, these -- in that
8 grant award it states things that they must do or
9 agree to do as the fiscal agent of the funds.

10 Q And you work on those requirements?

11 A I work on the piece -- there's a piece on
12 GNETS about professional qualifications. It's in
13 there regarding teacher certification. You know,
14 what areas they should be certified in and, you
15 know, that they should be licensed teachers. I
16 believe that's in there, too.

17 I just do that piece on professional
18 qualifications. That is a part of their notice,
19 hey, you're being allocated these funds, here is
20 some -- I don't know if they call it criteria.

21 It's not just my piece. There are
22 different things in the grant award notification,
23 and that's just the piece that I add, the PQ piece,
24 professional qualifications.

25 Q Who works to ensure compliance with the

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1 PQs?

2 A That comes out of Karen Cliett's office.
3 They work with the LEAs. I think there's a
4 monitoring piece, too, from their office.

5 Q Do they also monitor the GNETS?

6 A My understanding is, yes, they do.

7 Q A moment ago you also mentioned that you
8 worked with Amber and now her team on carryover and
9 indirect costs?

10 A Uh-hum. (Affirmative.)

11 Q Can you explain those?

12 A I asked her to -- years ago explain the
13 indirect cost piece. That's a one percent of the
14 GNETS grant that is allocated to -- pulled out of
15 the grant and allocated to the fiscal agent.

16 And what was the other part of your
17 question?

18 Q Carryover.

19 A Carryover, with federal grants, those
20 grant periods run through September 30th. GaDOE
21 makes a determination as to whether or not the
22 programs will get -- what percent of carryover the
23 programs will get for the current federal grants.
24 And so I work with her in determining what percent
25 of that money will be able to be carried over.

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1 Q And you mentioned she has a team now?

2 A Yeah, her team. I mean she has a team.
3 She was the program manager. She's now senior
4 program manager, but she, as a program manager, and
5 I believe there are four program specialists.

6 Q Thank you.

7 Earlier you mentioned that Lakesha
8 Stevenson reports to you?

9 A Yes.

10 Q Am I correct that you said her role was
11 program specialist for GNETS?

12 A Yes, she is.

13 Q What are Lakesha Stevenson's job
14 responsibilities?

15 A We work collaboratively to review the
16 grant applications. She also provides technical
17 assistance on grant application user features.

18 She participates in strategic plan reviews
19 when we've done those in the past, provides
20 technical assistance and training also.

21 We do a lot of the training together.

22 Some of the same roles, activities that
23 are defined in some of my roles, she does some of
24 those activities also. She presents -- co-presented
25 at SELDA with me.

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1 We do a lot. Blanking...

2 And of course we had to respond to
3 interrogatories, production of documents. She
4 participated in that also.

5 Q How often do you communicate with Lakesha
6 Stevenson?

7 A We try to do a GNETS touch-base meeting
8 each day, talk about -- yeah, each day. If not
9 every day, every other day.

10 Q Is Lakesha Stevenson devoted exclusively
11 to working on GNETS?

12 A She is.

13 Q Are you?

14 A Yes.

15 Q Is there any work that Lakesha Stevenson
16 completes that you do not oversee?

17 A No.

18 Q Do you evaluate Lakesha Stevenson?

19 A I do.

20 Q How frequently?

21 A Annually.

22 Q Are you interested in growing your team in
23 the future?

24 A I would have to think about that. It
25 would depend on I guess how much the work would

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1 evolve, but currently, not at this time.

2 Q Do you work with anyone at DBHDD in
3 connection with GNETS?

4 A I do not work with them, but I have met
5 with Dante McKay. I think at one point he -- I'm
6 not sure what his official title was. I had some
7 discussion with him before.

8 Q What did you discuss with Dante McKay?

9 A I was inquiring about Apex and how we
10 could -- that process worked with those providers,
11 and how do those services push out into the ground
12 to schools; inquiring about how we could get those
13 services pushed into -- providers pushed into GNETS.
14 Talked to him about that.

15 Q What is Apex?

16 A I don't know what their acronym stands
17 for, but I know from what he has shared, a network
18 that provides mental health providers, services that
19 push out into the districts.

20 My understanding from him was that those
21 services push out to the LEAs and that the LEAs is
22 who has access to that.

23 Q And you had conversations about the
24 process and how to push Apex services into GNETS?

25 A I was asking would that be a possibility.

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1 Q What was the answer?

2 A That Apex services are pushed out to the
3 LEAs, not specifically to GNETS, not to GNETS.

4 Q Do you know any GNETS programs that
5 receive Apex services pushed into them?

6 A At one point I recall maybe the Flint
7 program, but I'm not sure if that is still in place.

8 Q Is there anyone else at DBHDD that you
9 work with?

10 A Not that I work with, no.

11 Q Do you work close -- do you work with
12 anyone at DCH in connection with GNETS?

13 A I do not.

14 Q Do you work with anyone at other state
15 agencies in connection with GNETS?

16 A No. That's within the GaDOE.

17 Q So earlier you went through a few regular
18 meetings that you attend with GaDOE. Am I correct
19 that you mentioned a division meeting for special
20 education?

21 A Yes.

22 Q Am I correct that you also mentioned a
23 program manager meeting --

24 A Yes, that's with Wina Low. Uh-hum.

25 Q Am I correct that you also mentioned

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1 meetings related to the Federal Programs?

2 A Yes. Shaun Owen, meetings.

3 Q How frequent are those meetings?

4 A The staff meetings I believe are once a
5 month. That's with all divisions in special
6 education for Wina.

7 Program manager meetings, we meet every
8 week.

9 Q For both special education and Federal
10 Programs?

11 A No. Special education program managers'
12 meetings are every week with Wina.

13 With Shaun, I believe those meetings are
14 once a month, for program managers, and also with
15 all Federal Programs are once a month.

16 Q Are there other meetings that you have,
17 regular meetings scheduled, within GaDOE?

18 A Not that I can think of that are regular,
19 for the -- the managers, Federal Programs, Wina's
20 staff meeting, Shaun's staff meeting, and just my
21 touch-base meetings with Lakesha.

22 Q Do you meet with the Georgia Learning
23 Resource System?

24 A No.

25 Q Earlier you mentioned the State Board of

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1 Education.

2 A Uh-hum. (Affirmative.)

3 Q Do you ever meet with them?

4 A Not currently, no.

5 Q Have you in the past?

6 A I have not met with the State Board of
7 Education, but I was asked to come to a board
8 meeting maybe three years ago, and at that Board
9 meeting -- now I recall. At that Board meeting --
10 I'm trying to think what was the Board meeting.

11 I think it was I think when they were
12 presenting an item, the item for the GNETS grants,
13 and I think that's when Nakeba used to go to Board
14 meetings, and I went and I guess she would present
15 on the GNETS items.

16 So kind of in that role she previously had
17 I had gone to maybe one, two. I don't know how
18 many. It wasn't that meeting -- Board meetings and
19 presented I think before the roles changed.

20 And now I guess with the new protocol, the
21 deputy takes those Board items.

22 Q And was it related to the budget? At the
23 State Board of Education meetings, were you
24 presenting on the budget?

25 A At that one it was the budget. I think it

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1 was the budget. But I don't want to say
2 definitively. I can't recall specifically. But I
3 think it was on -- around the budget.

4 Q Do you remember presenting to the State
5 Board of Education about any other issues?

6 MS. JOHNSON: Objection.

7 You can answer.

8 A I'm trying to think of any others.

9 I'm trying to think. I can't remember the
10 year, but there was -- Pat Schofill gave an update
11 on facilities and I was there with him as he
12 presented on facilities.

13 Q So you --

14 A Facilities update. It was like a
15 facilities update, I believe.

16 Q So you recall presenting to the State
17 Board of Education on facilities and budget; is that
18 correct?

19 A I'm thinking, believing -- I'm thinking it
20 was about the budget but I'm not a hundred percent
21 accurate, but I do remember -- I think it was -- I
22 think it was the budget. I'm not a hundred percent
23 sure. I think it was the budget and that Pat
24 presented on facilities. He was giving a facility
25 update.

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1 I don't know why, why he was presenting
2 that, but it was around GNETS, and I was able to say
3 that we do visits to the facilities.

4 Q Do you participate in any other state
5 leadership meetings outside of GaDOE?

6 MS. JOHNSON: Objection.

7 You can answer.

8 A I'm trying to think.

9 No, no.

10 Q Are there meetings that you participate in
11 that address issues related to GNETS but are not
12 with GaDOE folks?

13 MS. JOHNSON: Objection.

14 You can answer.

15 A Repeat the question. Other --

16 Q Are there meetings that you participate in
17 outside of GaDOE but relate to GNETS?

18 A No.

19 Q Earlier you referenced the IDT, correct?

20 A Uh-hum. (Affirmative.)

21 Q Which is an interagency group?

22 A Directors team, uh-hum.

23 Q Do you participate in any other
24 interagency groups?

25 A No.

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1 Q Do you meet with the regional GNETS
2 programs?

3 A Yes. I'm sorry, I'm drawing a blank
4 there. Yes.

5 Q How often?

6 A We do monthly meetings. Typically we
7 don't do the month of November and December, and
8 then we pick back up in January and maybe meet
9 through April -- or maybe we end right at April
10 because testing starts.

11 But, yes, we do monthly updates with them.

12 Q Are these meetings with the regional GNET
13 program directors?

14 A Yes. Directors meetings.

15 Q Does anyone else attend?

16 A I've invited Wina to attend. It's my --
17 Lakesha and the GNETS directors and anyone I have
18 providing updates. This is where TKES and LKES may
19 come to the meeting, Data Collections may come to
20 the meeting.

21 Who else do I have on there? PBIS may
22 give updates. So I have different other divisions
23 provide updates to the GNETS directors, and any
24 updates we may have.

25 Q Who facilitates these meetings?

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1 A I do.

2 Q Do you meet with regional GNET program
3 staff?

4 A No, not staff. With the directors and
5 directors take that information back.

6 Q Do you meet with RESAs?

7 A No. I did attend one meeting when Nakeba
8 was here. I can't remember which RESA it was, but
9 she facilitated the meeting and I attended that
10 meeting with her. But I have not been attending
11 them moving forward.

12 MS. TUCKER: Why don't we take a quick
13 break.

14 Q Is that okay?

15 A That's fine.

16 THE VIDEOGRAPHER: Off the record at 10:31
17 a.m.

18 (A recess was taken.)

19 THE VIDEOGRAPHER: We're back on the
20 record at 10:58 a.m.

21 BY MS. TUCKER:

22 Q Thank you, Mrs. Cleveland.

23 A Excuse me? Can I make one clarification
24 from earlier?

25 Q Please.

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1 A When you asked who was at the deposition,
2 my preparation --

3 Q Yes.

4 A -- I said that Melanie was there. I
5 thought you were referring to someone outside, like
6 a GaDOE person, but I want to add to the record,
7 correct the record, that Stacey was also on the
8 call. So I said I'll let them know that.

9 Q Thank you for that clarification.

10 A Yes.

11 Q Well, thank you, Ms. Cleveland.

12 A Sure.

13 Q When did you first become familiar with
14 GNETS?

15 A When I worked in the districts, I worked
16 in DeKalb County School District. There I was a
17 coordinator, a coordinator for middle school
18 programming, and I worked with the GNETS director
19 there.

20 She would actually attend our leadership
21 meetings. So I knew -- got to meet her and knew who
22 she was, and so that's when I first learned of it.

23 Q And who was that GNETS director?

24 A My goodness. I think her name was Jennie.

25 Q Does she still hold that role?

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1 A Oh, no. She retired many years ago. Her
2 name was Jennie. I can't think of her last name.

3 Q And when did you begin working with DeKalb
4 again?

5 A Let me go back to when I had a baby.

6 1989 -- well, actually, in DeKalb, because
7 I was a professional, teaching experience. I did a
8 para stint, short stint, before I started teaching
9 and getting into graduate school. That was from
10 like the end of October maybe '88 through maybe that
11 January or February, and then I got the teaching
12 position. So that was in February. So it was like
13 two months or so.

14 So that was with DeKalb, and I became a
15 teacher in February.

16 Q And you first learned of GNETS at the
17 beginning of your tenure with DeKalb County?

18 A No. It was when I became a coordinator
19 because I was just a teacher. I was a teacher there
20 for some years there and then moved into leadership
21 as a coordinator.

22 Q So around '89?

23 A When I became a teacher?

24 Q Uh-hum. (Affirmative.)

25 A No. Coordinator was years later.

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1 Q Years later?

2 A Yeah. My resume, I got all that on there.

3 Yeah, that's when I became a coordinator,
4 I learned GNETS, because I was just a teacher for
5 some years, 13 years. Not just a teacher, a proud
6 teacher for 13 years or so, and then I became a
7 coordinator.

8 Q Okay. Please describe the GNETS program.

9 A GNETS is a statewide network of 24
10 programs statewide. It provides educational and
11 therapeutic services for students with disabilities.
12 The services are provided to students that are ages
13 five to 21. That's the age range.

14 And the services are determined --
15 recommendation for GNETS services are determined --
16 recommendations are made by an IEP team. The IEP
17 team meets and reviews the course data to make
18 recommendation as to whether or not that's the least
19 restrictive environment for the student that is
20 considered for services.

21 Therapeutic services, educational
22 programming is provided, and it looks at students
23 that are having severe behavioral challenges,
24 looking at the intensity, frequency and duration of
25 the behaviors and how it impedes their progress and

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1 their educational programming.

2 Twenty-four programs, they all have
3 directors. Some of the kids -- it's a service on
4 the continuum of services for students with
5 disabilities. Some students receive their services
6 in a school-based environment, which could be at a
7 typical school, classrooms there, and some receive
8 their services in a center-based location.

9 Q What do you mean by continuum?

10 A When you're looking at providing services
11 for students with disabilities, there's a continuum
12 of services starting at general ed and moving down
13 that continuum to more restrictive environments. So
14 this is a service that's also on that continuum, or
15 on the restrictive end.

16 But GNETS services, of course, can be
17 provided general education environment, and as you
18 move down that continuum, moving into, you know,
19 co-teaching environments, resource environments,
20 services can be pushed into any of those
21 environments.

22 Q So are there GNETS services in general
23 education environments outside of the GNETS
24 school-based setting?

25 MS. JOHNSON: Objection.

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1 You can answer.

2 A Say it again. I'm sorry.

3 Q You just mentioned that GNETS services
4 could -- you know, it's on the continuum and it
5 could be in the general education environment,
6 correct?

7 A Depending on if that's a recommendation of
8 the IEP. I'm referencing just the continuum, but
9 that continuum of the services, if recommended by an
10 IEP team, could be. It just depends on what the IEP
11 team recommends, if it's on -- it's on the continuum
12 services.

13 Q Are GNETS services in general education
14 classrooms?

15 MS. JOHNSON: Objection.

16 You can answer.

17 A I would not know, you know, without
18 looking at IEPs, specific IEPs. GaDOE staff do not
19 participate in those IEP meetings, so the only way I
20 would know that would be to have access to IEPs,
21 which I don't participate in the meeting, so I
22 wouldn't know.

23 Q And what purpose does GNETS serve?

24 MS. JOHNSON: Objection.

25 You can answer.

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1 A It serves as a program to provide these
2 educational and therapeutic services to kids that
3 have challenging behaviors that, you know, impedes
4 their progress to be in general education in some
5 situations.

6 But it also serves as an option for kids
7 that may be placed in a more restrictive
8 environment, like a residential placement.

9 Q Does GNETS target a particular student
10 population?

11 A It doesn't -- I mean you -- the way our
12 Board rule describes programming, it's for students
13 that have severe behavioral challenges, and those
14 challenges, you know, like I said, the intensity,
15 frequency and duration, those behaviors are impeding
16 their progress.

17 So if a team deems that's appropriate,
18 that that would be the least restrictive environment
19 for a child. It's individualized. So not a
20 specific population but it's individualized.

21 Q How does GNETS serve these students?

22 A They're served through, you know, what's
23 written in their IEPs, their IEPs. Those IEPs, of
24 course you've got the present levels that describes
25 what that child's strengths and weaknesses are. The

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1 teams come together and they develop goals and
2 objectives to address the student weaknesses, and
3 then goals and objectives are then developed, and
4 from the data the IEP Team would review, that team
5 would then make the recommendation as to where that
6 child receives those services, what we would call
7 the least restrictive environment.

8 Q What are the educational and therapeutic
9 services that you referenced earlier that GNETS
10 provides?

11 A The educational services, these students
12 are students with disabilities in the State and they
13 are taught the Georgia performance standards. Those
14 therapeutic services of course are need based for
15 each child. So therapeutic services are determined
16 by the IEP team.

17 So they could look differently for every
18 child and look different in every program.

19 Q What is the Board rule that you're
20 referring to a moment ago?

21 A It's the GNETS Board rule.

22 Q And is this a state rule?

23 A It's a state rule.

24 Q And you've referenced intensity, frequency
25 and duration. Is that from the rule?

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1 A It's from the rule.

2 Q Earlier you mentioned there's 24 regional
3 GNETS programs?

4 A Uh-hum. (Affirmative.)

5 Q Has that structure changed during your
6 time at GaDOE?

7 A It has not.

8 Q How many students are in GNETS this school
9 year, which I mean the 2022-2023 school year?

10 MS. JOHNSON: Objection.

11 You can answer.

12 Q And it can be approximate.

13 A I'll say approximate.

14 Q Yeah.

15 A I don't have the enrollment numbers for
16 this coming school year. We get -- the student
17 record enrollment report will show any students that
18 receive services within an academic year, and I
19 think it was on that -- I mean it hasn't been pulled
20 up officially yet but it shows the enrollment on
21 that spreadsheet that we just were trying to get
22 pulled up.

23 So approximately for the prior school
24 year, because it's always the prior year, so the
25 21-22 school year, I think we're looking at

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1 approximately 3,000, 3,100 kids, approximate
2 numbers.

3 Q So that's from last school year?

4 A Right, the previous school year, because
5 student record pulls -- captures the kids for that
6 previous school year.

7 Q When would you know how many students are
8 in GNETS this school year?

9 A For student record, I would get that at
10 the end of this academic year. I'm not sure if Data
11 Collections tracks during the year. I mean I'm sure
12 they do but I don't know how they track.

13 But I know going into this year it's about
14 3,090, 3,100 kids from the previous year. And
15 that's for any child that receives services during
16 that year.

17 Q You just mentioned Data Collection, I
18 think as a group. Who are you referring to?

19 A Data that comes from Nick Handville's
20 office. He's our chief, I think, privacy -- chief
21 -- these titles.

22 He's the chief information officer, I
23 believe. And Mark Vignate, V-I-G-N-A-T-E, provides
24 that data to me on the enrollment.

25 Q And they provide data in the student

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1 record report?

2 A That comes at the end of the year.

3 Q Do you request population size information
4 from the regional programs during the school year?

5 A I do not formally request that from them.

6 Q Do you ever receive it informally?

7 A Not enrollment information.

8 Q Population size information?

9 A Not from them, no.

10 MS. TUCKER: I'd like the court reporter
11 to mark this document as Plaintiff's Exhibit
12 377.

13 The Bates number on the first page of this
14 exhibit is GA00362824.

15 (WHEREUPON, Plaintiff's Exhibit-377 was
16 marked for identification.)

17 BY MS. TUCKER:

18 Q This is an October 24, 2020 email from
19 you, Mrs. Cleveland, to Zelfine Smith-Dixon, and
20 Shaun Owen is copied.

21 A Okay.

22 Q And the subject reads: "Student record."
23 And there are a few attachments.

24 A This should be there? Okay.

25 Q Yes.

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1 A Okay.

2 Q Do you recognize this email, Mrs.
3 Cleveland?

4 A Yes.

5 Q You see where it says that it attached
6 documents related to student count for fiscal year
7 2020?

8 A Yes.

9 Q When we speak to fiscal year '20, what
10 school year are we referring to?

11 A That's so tricky because I always have to
12 think through that, too.

13 If it's fiscal year '20, that would be the
14 2019-20 school year. When we do other examples, I
15 always have to think through this myself.

16 If I get a student record for FY22, that
17 was the 21-22 school year. So that would be the
18 19-20 school year --

19 Q Let's think through that again.

20 A I always have to think through it.

21 Q If it's fiscal year '20, am I correct it's
22 school year 2019-20?

23 A Correct. So like I did, just did FY23.
24 That was school year 21-22.

25 Because it's the -- the fiscal year begins

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1 in July, so it's the school year that the student
2 record reports from, is the previous school year.
3 It wouldn't be the 23 -- 22-23 school year.

4 Q Let's take this outside of the student
5 record report.

6 A Okay.

7 Q Just to make sure we're all on the same
8 page.

9 A Right.

10 Q Because I think we said two different.

11 So for fiscal year 2020 per se, would that
12 be representing information from the start of the
13 2019 school year that went through 2020?

14 A For student record, yes, because it would
15 be that previous school year.

16 Q Previous school year?

17 A 19-20.

18 Q So 19-20 school year equals fiscal year
19 '20?

20 A Fiscal year '20.

21 Q Great. Thank you for going through that.

22 A I'll think through it again but I'm pretty
23 sure that's how it goes.

24 Q Great. Let's look at the first
25 attachment.

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1 This is the Excel spreadsheet with Bates
2 No. GA00362825. And we're going to pull that up --
3 we're going to pull it up electronically for you.

4 Do you have control and do you see it?

5 A I see it.

6 Q You're able to move the mouse?

7 A Uh-hum. (Affirmative.)

8 Q Great. Do you recognize this spreadsheet?

9 A I do.

10 Q Did you create this spreadsheet?

11 A I did.

12 Q How did you get the data to create this
13 spreadsheet?

14 A This data comes from Nick Handville's
15 office, and they provide this at the end of the year
16 in the student record count.

17 Q So is this the student record data --

18 A Student record data.

19 Q So consistent with what we were just
20 saying, under the Column C, which says 2020 count,
21 would that be those students who attended from
22 school year 2019 that ended in 2020?

23 A Yes, based on 19-20, fiscal year '20.
24 Yes.

25 Q So I'm -- let's go ahead --

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1 A I was saying yes. I'm sorry.

2 Q I'm correct this spreadsheet represents
3 student populations at the regional GNETS programs
4 for fiscal year 2020, 2019, 2018, and 2017?

5 A Student record count, yes.

6 Q Which is student population size?

7 A Uh-hum. Yes.

8 Q Looking at this spreadsheet, at the bottom
9 there are some totals?

10 A Uh-hum. (Affirmative.)

11 Q Do you see those?

12 A Yes.

13 Q Is it fair to say that these numbers
14 indicate that the GNETS student population is
15 decreasing?

16 A That's fair, yes.

17 Q Would you still say that's the consistent
18 trend?

19 A Yes.

20 Q Why do you think that is?

21 MS. JOHNSON: Objection.

22 You can answer.

23 A IEP meetings are held to determine if kids
24 are to receive GNETS services. I think professional
25 learning around the Board rule and looking at --

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1 using data to determine least restrictive
2 environment for students, I think that messaging is
3 trickling down, that you should always look at the
4 least restrictive environment, and that could be a
5 correcting factor.

6 Q Are trickling down to whom?

7 A To GNETS directors, training them.

8 I've also done training with special
9 education directors and GNETS directors together to
10 review the Board rule, to talk about GNETS services,
11 what they are, to talk about IEP teams, you know, in
12 determining least restrictive environment.

13 I don't know that to be definitive as to
14 why, but I think professional learning does help
15 people make more informed decisions, training.

16 Q More informed decisions on where to place
17 students?

18 A And making the -- in recommending the
19 least restrictive environment, yes.

20 Q Thank you.

21 As the population has decreased, where do
22 you think students that were formerly receiving
23 GNETS services are being served?

24 MS. JOHNSON: Objection.

25 You can answer.

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1 A I wouldn't -- I don't know.

2 Q Would you think these students are in
3 their general education environment?

4 MS. JOHNSON: Objection.

5 You can answer.

6 A I don't know.

7 Q Do you expect that students would still be
8 receiving special education services?

9 MS. JOHNSON: Objection.

10 A I don't know because I'm not in those IEP
11 meetings. I don't know.

12 Q Has -- a moment ago you mentioned that
13 you've provided technical assistance on the State
14 Board rule --

15 A Uh-hum. (Affirmative.)

16 Q -- in assessing placement, correct?

17 A Yes, in IEP meetings.

18 Q Has GaDOE through that technical
19 assistance advised GNETS programs to reassess their
20 student populations in size?

21 A I've not advised to reassess their
22 populations, but to provide -- I provided training
23 on always using data to make decisions on what least
24 restrictive environment is for those students.

25 Q What type of data?

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1 A One training that I did, which GNETS
2 directors and special education directors, because
3 they work together. In those IEP meetings the LEA
4 is represented because they are ultimately possible
5 for FAPE for students, and the GNETS directors
6 attend those meetings, and I did that training and I
7 think I may have just provided -- I did it
8 regionally, the GNETS, and just data on, hey, here's
9 your population on EBD, just sharing the data, this
10 is the percent of kids from your region, or whatever
11 they are getting GNETS services.

12 And that was the training that I did,
13 based on the Board rule and ultimately training them
14 on looking at least restrictive environment for
15 students.

16 Q And you just mentioned that you share data
17 on their EBD population; is that correct?

18 A I think we shared data on the EBD
19 population. I'm trying to think about the
20 presentation. It was a couple years ago, but I know
21 EBD was one of the areas.

22 Q Not the population in full?

23 A No, no.

24 Q I would like to exhibit the third
25 attachment to this email, which starts with Bates

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1 GA00362827.

2 So Kelly is going to show that again to
3 you on the screen.

4 A Okay.

5 Q And give you control.

6 Do you recognize -- do you see the
7 spreadsheet?

8 A I'll check.

9 Q Sorry about that.

10 A There we go.

11 Q Do you see the spreadsheet now?

12 A I do.

13 Q And do you recognize the spreadsheet?

14 A I do.

15 Q Did you create it?

16 A I did.

17 Q Can you describe the spreadsheet for me?
18 Like what is the spreadsheet?

19 A What did I pull it for?

20 I remember the spreadsheet. I don't
21 recall why I was pulling this.

22 Q Am I correct that the spreadsheet
23 represents the 2020 data of the primary area of
24 exceptionalities at the 24 regional GNETS programs?

25 A That is correct.

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1 Q And where did you receive the data for
2 this spreadsheet?

3 A From Nick Handville's office.

4 Q The Data Collection office?

5 A Data Collection. Well, I think that's
6 their office title, Data Collection.

7 Q What is --

8 A Sorry.

9 Q Mrs. Cleveland, please.

10 THE WITNESS: Melanie, they might be
11 privileged.

12 MS. JOHNSON: Are you concerned --

13 THE WITNESS: Yeah. I mean I can --

14 MS. JOHNSON: Just in your responses be
15 careful not to reveal any conversations or
16 anything we may have had, but if, if you want
17 to go off the record and have a kick side-bar,
18 we can do that.

19 THE WITNESS: Okay. Yeah.

20 MS. JOHNSON: Can we go off the record?

21 MS. TUCKER: Of course.

22 MS. COHEN: You want us to go out of the
23 room?

24 MS. JOHNSON: Can we step out real quick.

25 THE VIDEOGRAPHER: Off the record at

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1 11:23.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: We're back on the
4 record at 11:31 a.m.

5 MS. JOHNSON: It appears that this
6 document was an inadvertent production of
7 privileged document and work product. So I'm
8 going to instruct the witness not to answer any
9 questions on it and request that the Department
10 of Justice return it and destroy it.

11 MS. TUCKER: We can -- thank you for
12 advising that for the record, and we can
13 connect on that also after.

14 MS. JOHNSON: Thank you.

15 MS. TUCKER: Okay.

16 BY MS. TUCKER:

17 Q Can I ask what a primary area of
18 exceptionality is?

19 A That's a primary disability area for a
20 child. That's determined through the eligibility
21 process.

22 Q And then from your experience what would
23 you say -- what primary area of exceptionality is
24 most common in the GNETS program for their students?

25 A Emotional behavior disorder.

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1 Q Are there other primary areas of
2 exceptionalities that have large populations within
3 GNETS?

4 A Autism may have a higher population.
5 Those are the two that have the higher
6 population I can think of.

7 Q Thank you, Ms. Cleveland.

8 And then do students with different areas
9 of exceptionality have different needs?

10 A Yes.

11 Q Can you speak more to that?

12 A Again, the IEP process is individualized.
13 Kids are found eligible for services, of course, an
14 eligibility process and that child -- a child's
15 strengths and weaknesses are identified through that
16 process.

17 So as teams sit and develop -- say the
18 question again. I want to make sure I stay on track
19 with the question.

20 Q Yeah. I asked whether students with
21 different areas of exceptionalities have different
22 needs, and you said yes, and then I was hoping you
23 could elaborate.

24 A A child with emotional behavior disorder,
25 of course, based on the characteristics of that

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1 disability, will have more needs based around
2 socio-emotional needs. If a child with autism, it
3 could also be the same. That child could have
4 emotional behavioral challenges also, and the team
5 would develop an IEP that, you know, reflects that
6 child's strengths and weaknesses and what those
7 services need to look like for those kids.

8 Q So are there different therapeutic
9 supports needed depending on the different area of
10 exceptionality?

11 A There could be because it's
12 individualized. So whatever that child's needs are,
13 therapeutic supports could look different from child
14 A versus child B.

15 Q And how are those needs met through the
16 GNETS program?

17 A Through the IEP process, of course, goals
18 and objectives are developed. Progress monitoring
19 should be happening on those goals and objectives,
20 and based on the progress monitoring and the
21 interventions that are put in place, you're -- you
22 provide those services through that.

23 Those services may be inclusive of
24 academic supports, behavioral supports. It all goes
25 back to what those individual needs are for that

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1 student.

2 MS. TUCKER: I'd like the court reporter
3 to mark this document as Plaintiff's Exhibit
4 378.

5 The Bates number on the first page of this
6 exhibit is GA003628 -- I'm going to start over.
7 Scratch that.

8 The number on the first page of this -- I
9 pulled the wrong exhibit. One second.

10 Again, I'm going to hand the court
11 reporter this document to mark as Plaintiff's
12 Exhibit 378.

13 The Bates number on the first page of this
14 exhibit is GA00362869.

15 (WHEREUPON, Plaintiff's Exhibit-378 was
16 marked for identification.)

17 BY MS. TUCKER:

18 Q This is an email with the same date
19 October 14, 2020. The email is from you, Vickie
20 Cleveland, to Zelfhine Smith-Dixon, with a cc: copy
21 to Shaun Owen, and the subject is "Eligibility
22 numbers." And there's an attachment.

23 Do you recognize this email, Mrs.
24 Cleveland?

25 A Yes.

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1 Q In the email do you see where you wrote in
2 the attachment -- or "see attachment. I reviewed
3 the data for the past 3 years regarding eligibility
4 areas for MI/MOID/EBD/OHI/AU/SDD," and then you
5 write "Let's discuss."

6 Do you see that?

7 A Yes.

8 Q Those are a lot of abbreviations. Can we
9 go through those?

10 A Sure.

11 Q You can start with the first.

12 A MI is mild intellectual disability.

13 MOID is a moderate intellectual
14 disability.

15 EBD is emotional behavior disorder.

16 OHI is other health impaired.

17 AU is autism, and SDD is significant
18 developmental delay.

19 Q Thank you.

20 A Sure.

21 Q You then write "Let's discuss."

22 Do you recall discussing --

23 A Well, I don't recall the conversation but
24 this email reflects I sent data, but I don't recall
25 the conversation.

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1 I'm trying to think why we pulled that.

2 Q Why don't we pull the attachment up.

3 A Okay.

4 Q It starts with GA00362870.

5 Can you see it?

6 A I can.

7 Q And you have control?

8 A I do.

9 Q Great. Do you recognize this spreadsheet
10 sheet?

11 A I do.

12 Q Did you create it?

13 A I did.

14 Q And where did you get the data to create
15 this?

16 A Nick Handville's office.

17 Q And do you recall -- do you know -- why
18 did you create this spreadsheet?

19 A I was looking at -- it appears I was
20 looking at the different disability areas and trend
21 data, it looks like.

22 It looks like that's why I created it.

23 Q Okay. What were you looking for -- or
24 what trends did you see?

25 A Looks like I was looking at enrollment by

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1 disability area for each of those disabilities,
2 disability areas.

3 Q And was that something that Zelphine
4 Smith-Dixon requested?

5 A I don't remember if she specifically
6 requested that. I don't know if we were having
7 conversations around data, but I don't know she
8 specifically requested it or if this is something I
9 was looking at and may have shared it. I'm not
10 sure.

11 Q Do you continue to collect data related to
12 the primary area of exceptionality for GNETS
13 students?

14 A I haven't pulled it recently or looked at
15 -- from this lens recently, but I do look at the
16 data.

17 Q What do you mean by recent?

18 A I haven't done it like this year.

19 Q This school year?

20 A This school year, right.

21 Q But last school year you did?

22 A I don't know if I pulled it in this format
23 because it looks like the last year I looked at was
24 2020 on here.

25 I don't remember -- I don't recall if I

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1 pulled it from 2021 in this format.

2 Q It seems as if you're focusing on certain
3 primary areas of exceptionality. Would you agree
4 with that characterization?

5 A This one I think looks at all areas --

6 Q Okay.

7 A -- of exceptionality for kids who are
8 getting services.

9 So it looks like I was looking at pretty
10 much all areas that are getting services through the
11 program.

12 Q It looks to me there are six areas of
13 exceptionality. Do you agree?

14 A That I was looking at, uh-hum. Yes.

15 Q Are these six areas the only areas
16 represented in the GNETS student population?

17 A I'm not a hundred percent sure. I mean --
18 I'm not a hundred percent sure on that. But these
19 are the six areas that I pulled from the student
20 record report.

21 Q And you look at the regional program
22 level?

23 A Well, this list, yeah, the GNETS program,
24 and who these -- the numbers -- the count of
25 students by disability for each program, yes.

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1 Q Would this information inform you to make
2 certain decisions related to the GNETS program?

3 A Repeat the question. I'm sorry.

4 MS. TUCKER: Scratch that.

5 BY MS. TUCKER:

6 Q How would this information inform your
7 role as GNETS program manager?

8 A It could inform my role around training.
9 You know, going back to training on least
10 restrictive environment in IEP meetings.

11 Q Do you recall that after you collected
12 this document that you made any statements to any
13 regional programs?

14 A No, I didn't. Not that I recall.

15 Q A moment ago you mentioned that you
16 haven't pulled this data this school year but you
17 had last school year, correct?

18 A I'm not -- I don't -- I don't recall
19 pulling it in this format last school year. I get
20 the student record file and I can see the
21 information, but I don't recall pulling it in this
22 format last year. I would have to go back and look.

23 Q But you do continue to look at the primary
24 area of exceptionality for students at GNETS?

25 A I do continue to try to look at that, yes.

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1 MS. TUCKER: I'd like the court reporter
2 to mark this document as Plaintiff's Exhibit
3 379.

4 The Bates number on the first page of this
5 exhibit is GA01078807.

6 (WHEREUPON, Plaintiff's Exhibit-379 was
7 marked for identification.)

8 BY MS. TUCKER:

9 Q This is an October 28th, 2020 email from
10 you to Zelfhine Smith-Dixon and Shaun Owen, and you
11 copy Lakesha Stevenson and Stacey Suber-Drake, and
12 the subject is "2019-20 AU Data."?

13 THE WITNESS: Yes, this looks like it
14 would be privileged.

15 MS. JOHNSON: This looks like again an
16 inadvertent production and I'm going to
17 instruct the witness not to answer any
18 questions on this document.

19 MR. HOLKINS: Thanks, Melanie. We can
20 talk more later. Great.

21 MS. TUCKER: I'd like the court reporter
22 to mark this document as Plaintiff's Exhibit
23 380.

24 The Bates number on the first page of this
25 exhibit is GA00346118.

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1 (WHEREUPON, Plaintiff's Exhibit-380 was
2 marked for identification.)

3 BY MS. TUCKER:

4 Q This is a May 20th, 2019 email chain
5 between you and Lakesha Stevenson?

6 A Okay.

7 Q The subject of the email is blank, but
8 there's one attachment.

9 Do you recognize this email, Mrs.
10 Cleveland?

11 A Yes.

12 Q Let's turn to the attachment, which starts
13 on GA00346120.

14 Am I correct that at the top it reads
15 "Georgia Network for Educational and Therapeutic
16 Supports?

17 A Yes.

18 Q And that the GaDOE logo is on the bottom?

19 A Yes.

20 Q Do you recognize this document?

21 A Yes.

22 Q Who created this document?

23 A Lakesha Stevenson, the program specialist.
24 She created it.

25 Q Did you ask her to create it?

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1 A Yes.

2 Q For what purpose?

3 A Eleven of our programs received a
4 therapeutic services grant to provide therapeutic
5 services. That grant is allocated to hire licensed
6 clinical social workers or social workers, master's
7 of social workers, that can provide therapeutic
8 services. And we have set up a process that they
9 provide logs to us that outline what therapeutic
10 services were provided for the students, and she
11 then pulls all those logs together and pulls this
12 report to let me know what types of therapeutic
13 services are you seeing on the logs, what's being
14 implementing by the licensed clinical therapist.

15 And it shows, the graph shows the trends
16 of what type of services they're documenting on
17 their logs that they're providing.

18 So it's a way of -- because they get the
19 allocation for that grant, this is a process I set
20 up so we can monitor what type of therapeutic
21 supports are being provided.

22 Q What are the dates of this grant?

23 A The therapeutic services grant?

24 Q Uh-hum. (Affirmative.)

25 A It's allocated each year. Is that what

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1 you're asking?

2 Q So it's allocated each year, the grants?

3 A It's a therapeutic grants yes.

4 Q And eleven of the regional programs have
5 it currently?

6 A Right. It was in place when I came on
7 board and it's based on need for the program. So
8 eleven of them do.

9 Q Currently?

10 A Uh-hum. (Affirmative.)

11 Q Have other programs had it in the past and
12 then no longer?

13 A Not that I'm aware of.

14 Q Have programs been added during your time
15 as GNETS program manager as a recipient of this
16 grant?

17 A Not this grant, no.

18 Q So it's the same eleven regional programs
19 have remained constant?

20 A Yes.

21 Q Which programs receive this grant?

22 A I don't have them all memorized, but -- I
23 don't have them all, the names.

24 I'm trying to think of some of them. The
25 Oconee program I believe receives the grant.

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1 These are things that I can just pull up
2 and they're right there.

3 Oconee. Coastal I think receives it.
4 Cedarwood, Flint program, Northstar, Northwest
5 Georgia GNETS.

6 Go down the list.

7 Rutland. I'm just going through the list.
8 But those are the ones I can easily recall.

9 Q You hit seven of the eleven?

10 A There are four out there, in here
11 somewhere.

12 Q You mentioned it was based on need. Can
13 you elaborate?

14 A The way it was initially set up, the
15 programs that receive that are in areas where it's
16 difficult to find, you know, providers in those
17 areas because of where they're regionally based, was
18 my understanding.

19 So this grant allows them to, you know,
20 contract out or use it to find supports,
21 professionals to provide therapeutic supports.

22 Q And you earlier mentioned or testified
23 that you monitored the monthly logs, correct?

24 A Yeah. Lakesha receives those and compiles
25 those and shares the updates with me.

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1 Q What do you look for?

2 A One, I'm looking to see if they're
3 evidence-based interventions that the therapists are
4 using, that they're documenting what they are really
5 doing with the students in providing the
6 interventions.

7 Q What do you mean by evidence-based
8 interventions?

9 A Some of the things that are listed here.
10 Line set, cognitive behavior therapy, if they are
11 doing clinical interviewing.

12 It could be -- it looks different for each
13 program, depending on what the need of the kids are
14 that they are serving.

15 Q And do you provide feedback after
16 receiving the logs of needed changes?

17 A Not necessarily needed changes, but if I
18 -- we look at the logs and we have questions, I need
19 clarification, we'll call, have a follow-up
20 conversation, if needed. Can you tell me more about
21 this, what does this mean, what is this
22 intervention. Because it could be something that we
23 as professionals are not familiar with.

24 But not, you know, too often. But if
25 there are questions, we do follow up.

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1 Q Can you give me an example?

2 A Say if they had interviewing, one of their
3 interventions -- because sometimes there's
4 therapeutic interviewing with students. Can you
5 tell me what kind of things you may talk to the kid
6 about. I mean that could be -- that's just an
7 example of what could happen.

8 Q Thank you.

9 Let's look at the top box on this page.

10 A Okay.

11 Q Do you see where it says that the GNETS
12 program, quote, "provide comprehensive educational
13 and therapeutic support services to students who
14 might otherwise require residential or other more
15 restrictive placements due to the severity of one or
16 more of the characteristics of the disability
17 category of emotional and behavioral disorders
18 (EBD) ."

19 Are you aware of any study that has
20 assessed the impact of GNETS services on the need
21 for residential or more restrictive placements for
22 students?

23 A I have not.

24 Q Are you aware if GaDOE collects any data
25 that assesses the impact of GNETS services on the

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1 need for residential or more restrictive placement
2 for students?

3 A I'm sorry. Can you repeat the question?

4 Q Does GaDOE collect any data that assesses
5 the impact of GNETS services on the need for
6 residential or restrictive placements?

7 MS. JOHNSON: Objection.

8 A I do not. I do not.

9 Q Do not collect data?

10 A On that.

11 Q On that point?

12 A On that point, yes.

13 Q What are your views on whether GNETS
14 reduces the number of students who might have
15 otherwise needed residential or restrictive
16 placements?

17 MS. JOHNSON: Objection.

18 A My views -- repeat it. I'm sorry.

19 Q This document said that GNETS supports
20 students who might otherwise require residential or
21 more restrictive placements, and I'm curious about
22 your views on whether GNETS reduces the number of
23 students who might have otherwise needed residential
24 or more restrictive placements.

25 A I wouldn't have a view on it because I

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1 don't participate in the IEP meetings, and those
2 decisions are made locally with the IEP teams as to
3 whether or not the child needs residential or GNETS
4 services.

5 Q What is a more restrictive placement than
6 GNETS along the continuum?

7 A It would be residential, would be the next
8 placement on the continuum. Residential services.

9 Q A private residential treatment? Or
10 public?

11 A It could be. Again, that would be a local
12 IEP team decision.

13 Q But that's the next step on the continuum
14 we discussed earlier?

15 A Residential placement, uh-hum.

16 Q Okay. Do you speak to the GNETS programs
17 directors, the regional GNETS program directors,
18 about residential placement or their students --

19 A No.

20 Q -- being in residential?

21 A No.

22 Q Have you ever collected data from the
23 regional programs on whether they had students being
24 sent to residential treatment?

25 A Yes. As part of their grant application

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1 -- reintegration piece -- there's one of the -- I
2 can't think of the name of the tab. I look at those
3 things all the time.

4 There's a tab that does talk about
5 short-term stabilizations, what's a child's
6 residential place. So they list self-reported data
7 from each program, that they list the students that
8 were referred for residential because sometimes kids
9 do have short-term stabilizations, and then they
10 transition back.

11 But, yeah, we do collect that data from
12 them as far as the environment. If they went back,
13 you know, to a school-based setting, to a less
14 restrictive, we do collect through the grant app.

15 Q And that's through each regional GNETS
16 program?

17 A Yes.

18 Q Earlier we spoke about GNETS students
19 being in GNETS centers as well as GNETS school-based
20 locations, correct?

21 A Yes.

22 Q Do you know how many centers are being
23 used this school year?

24 A I think it is approximately 35 maybe
25 centers.

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1 Q And by "this school year," we both agree
2 that's the 2022 through 2023 school year?

3 A Approximately that number, yes.

4 Q Do you know if this is a change from last
5 year?

6 A Not from memory, but I can get that data.

7 Q How about when you started as GNETS
8 program manager?

9 A For year -- when I moved into this
10 position?

11 Q Uh-hum. (Affirmative.)

12 A There has been a reduction -- I'm not sure
13 of the number of school-based. I'm thinking of one
14 program, Northwest Georgia. I think they no longer
15 -- they no longer have their center base.

16 I'm trying to think of another one.
17 Somebody else, center to school.

18 I'm sorry, I'm blanking out. I'm trying
19 to go down the list here.

20 Northwest Georgia -- maybe that's the only
21 one that moved from a center to all school-based.

22 Q I think a moment ago you mentioned there
23 was a reduction in centers. Are you speaking to
24 other programs reducing the number of their centers
25 in addition to --

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1 A No. Reducing the center, I was referring
2 to like Northwest Georgia that had a center base.
3 They no longer serve kids in their center base. All
4 their students are served school-based.

5 So that's one I could think of. I'm
6 trying to think -- I can't think of any others right
7 now that reduce school-based -- I mean center base.

8 Q Why did Northwest Georgia move away from
9 the centers?

10 MS. JOHNSON: Objection.

11 A That's a local decision and we're informed
12 if they're closing programs or locations. They keep
13 us informed of that, and it's also reported in their
14 grant app.

15 Q How many students are being served in
16 GNETS centers for this school year 2022-2023?

17 A That's that approximate number I gave,
18 about 3,100 kids -- I'm sorry. In centers.

19 I would have to -- I haven't done the data
20 on that yet.

21 Q Do you have an approximate percentage of
22 the 3,100?

23 A That are in centers?

24 Q Uh-hum. (Affirmative.)

25 A I do not.

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1 Q How about last year?

2 A I don't recall the numbers but it's
3 information that I could have access to.

4 Q Do you know how many school-based
5 locations are being used this current school year?

6 A Looks like it's going to be about 120 or
7 so, approximately.

8 Q Is that a change from last year?

9 A I can access that information. I don't
10 have that memorized as far as exact numbers.

11 Q Is this information that you do collect
12 and track?

13 A I don't track it, but if I needed to
14 access it, I would reach out to Data Collections to
15 get it.

16 Q If you needed to access it, you would
17 contact Data Collections?

18 A Uh-hum. (Affirmative.)

19 Q Was that a yes?

20 A Yes. I'm sorry. I'm so used to talking
21 with my hands.

22 Q Would you request this information from
23 the regional GNETS programs?

24 A No, I do not collect -- just data like
25 around this I get from them, but any data, I do that

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1 through the Data Collections office.

2 Q Okay. Do students in centers have
3 opportunities to interact with their nondisabled
4 peers?

5 MS. JOHNSON: Objection.

6 A I'm not there for the day-to-day
7 implementation of their services, so those would
8 again be local recommendations of the IEP team.

9 Q When you visited, have you seen students
10 interacting with their nondisabled peers --

11 MS. JOHNSON: Object.

12 Q -- that are in centers?

13 A Say it again.

14 Q Sure. When you've visited a center, a
15 GNETS center --

16 A Okay.

17 Q -- have you observed students interacting
18 with their nondisabled peers?

19 MS. JOHNSON: Objection.

20 A Center based, no.

21 Q How about school-based locations, do GNETS
22 students in school-based locations have
23 opportunities to interact with their nondisabled
24 peers?

25 MS. JOHNSON: Objection.

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1 A I wouldn't know the day-to-day and how
2 they interact. That would be, you know, looking at
3 the IEPs are being a part of those meetings and
4 looking at whether they are recommending services be
5 provided for the students. So I do not know.

6 Q When you visited, have you observed GNETS
7 students in school-based locations interacting with
8 their nondisabled peers?

9 MS. JOHNSON: Objection.

10 A Because we have not visited in a few years
11 -- because of the pandemic and another year was
12 still shut down. So I'm trying to think before that
13 with some of the visits.

14 What comes to mind is Northwest Georgia, I
15 did not see the students physically go, but in one
16 of the classrooms we were visiting and the staff was
17 sharing that they had students that were going out
18 for different courses that were not in the classroom
19 that we were in at that time.

20 Q I know earlier when we were talking about
21 DeKalb, you mentioned the transition classrooms that
22 you implemented and the interactions with the
23 general ed environment and nondisabled peers as one
24 of the reasons for creating those classrooms.
25 Correct?

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1 A Having access to typical peers in the
2 physical building, yes.

3 Q Why is that important?

4 A Because we always want to ensure that kids
5 are getting services in a least restrictive
6 environment.

7 Q Do you track or collect data related to
8 students in school-based GNETS locations and how
9 many segments they are in GNETS a day?

10 A I don't track it but it is a part of the
11 student record file that is provided from Mark.

12 Q Have you looked at that data?

13 A Say the question again.

14 Q Sure. You mentioned that the data
15 collection team does have information in the student
16 record related to the number of segments that GNETS
17 students in school-based locations are in their
18 GNETS classroom and out of their GNETS classroom.
19 Correct?

20 A Yes, that shows that -- I'm pretty sure
21 that shows that data, yeah.

22 Q I was wondering if you look at that data?

23 A I look at the data but I don't track the
24 data because that data is reported or pulled when
25 districts report FTE, full-time equivalent. That is

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1 reported in the fall and in the spring, those two
2 collections, October and March, and with that they
3 report and work with their LEAs to report the number
4 of segments that students are getting services for
5 GNETS.

6 Q So you -- it's pulled related to the FTE
7 and that funding formula?

8 A Just the FTE. The funding formula is
9 different than the student record. Any child they
10 touch for FTE, they're able to capture the segments
11 that kids get services.

12 Q Okay. What role does GaDOE play with
13 student placement in GNETS?

14 A We do not have a role with placement
15 because everything goes back to an IEP meeting. The
16 IEP team meets and they make those recommendations
17 for what the services are going to look like and
18 where the children -- environments the kids are
19 going to get services as recommended through the
20 IEP.

21 Q Does GaDOE provide technical assistance to
22 the regional programs related to GNETS placement?

23 A I have provided that technical assistance
24 around the Board rule that does talk about continuum
25 services in that, when I did that training.

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1 Q Have you provided technical assistance to
2 the school districts, the LEAs, on GNETS placement?

3 A The LEA representatives, in light of the
4 special education directors, the training that I
5 mentioned previously about special education
6 directors and GNETS directors being trained
7 together.

8 Those special education directors are
9 district staff. So that training was provided to
10 them around continuum services and placement.

11 Q How frequently is that training?

12 A I did that training in 2020. We have not
13 done that training again.

14 Q Are there plans to?

15 A There could be.

16 MS. JOHNSON: She was asking the time to
17 break for lunch.

18 THE WITNESS: I need to go to the
19 restroom.

20 MS. TUCKER: Why don't we break free to
21 use the restroom. And what time is it?

22 MS. JOHNSON: 12:12.

23 THE VIDEOGRAPHER: We're off the record at
24 12:11 p.m.

25 (A recess was taken.)

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1 THE VIDEOGRAPHER: Back on the record at
2 12:15 p.m.

3 BY MS. TUCKER:

4 Q Hi, Ms. Cleveland.

5 MS. TUCKER: I'd like to introduce what
6 has been previously introduced as Plaintiff's
7 Exhibit 85.

8 (WHEREUPON, Plaintiff's Exhibit-85 was
9 previously marked for identification.)

10 MS. TUCKER: The Bates number is
11 GA00199183.

12 BY MS. TUCKER:

13 Q And it is a December 16th, 2017 email from
14 you to Nakeba Rahming, Zelfhine Smith-Dixon, and
15 Kachelle White, and the subject is "Final Copy of
16 LEA Presentation." And there's an attachment.

17 Do you recognize this email?

18 A I do.

19 Q Who is Kachelle White? She's not a name
20 we've said yet.

21 A Kachelle White was the senior program
22 manager for the RDA Unit, Results Driven
23 Accountability Unit.

24 Kachelle is no longer with GaDOE. I think
25 she left us in February maybe. But, yeah, she was

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1 the senior program manager for RDA.

2 Q Is RDA within the Division of Special
3 Education or separate?

4 A It is within the division, uh-hum.

5 Q What is the LEA collaborative meeting?

6 A This was a meeting -- I think maybe I've
7 been on the job two days, seriously.

8 This is a meeting where that fall they
9 pulled different leaders from the LEAs together.
10 GNETS directors were there, special education
11 directors were there. I can't recall definitively
12 if the superintendents were there but it was
13 different district leadership was also invited to
14 that.

15 And they called it the LEA collaborative
16 because you had all of those different levels of
17 leaders and -- leaders there. And we went through
18 and did a presentation on GNETS, the roles for each
19 level. The SEA, LEA, and GNETS roles were defined
20 in that presentation.

21 Q Has this meeting been held again, the same
22 group thing?

23 A It has not.

24 Q And are there plans for this meeting to be
25 held again?

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1 A I don't know.

2 Q Let's turn to the attachment. We're going
3 to look at it electronically.

4 You should see it now.

5 A I do.

6 Q And have control.

7 Am I correct that it says, "Welcome to the
8 FY18 Fall LEA Collaborative Meeting"?

9 A Yes.

10 Q And there's a GaDOE logo on the top of the
11 presentation?

12 A It is.

13 Q Great. Did you have an opportunity to
14 work on this presentation?

15 I know you mentioned you presented, but
16 did you work on this document?

17 A It was like a collaborative effort to pull
18 it together. I looked at the SEA role and their
19 responsibility of course in working with Nakeba,
20 because I think literally I had been on the job a
21 few days -- a few weeks, if that.

22 And we worked to pull it together. I
23 think like different people were working on
24 different parts, if I recall correctly.

25 I think Zel, Zel had input into the LEA

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1 responsibilities, and Nakeba led that work on the
2 GNETS roles and responsibilities. She was still
3 there then.

4 I'm just scrolling through.

5 Q Yeah.

6 A Consideration services was led by -- one
7 of the GNETS directors led that portion.

8 I think that was it.

9 Q Did you have an opportunity to present
10 alongside your colleagues?

11 A I presented the SEA slides.

12 Q The SEA slides?

13 A Those few slides there.

14 Q Okay. I'd like to turn to the slide
15 starting on Slide 43.

16 A Okay.

17 Q Let me know when you get there.

18 A I'm there.

19 Q And am I correct that this part of the
20 presentation is covering consideration for services?

21 A Yes.

22 Q What does that mean?

23 A Consideration for services, coming into
24 this, that year, understanding from Nakeba is that
25 Pat Wolf -- I'm not sure if some other directors

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1 worked with her -- they came up with what I call a
2 tool that looked at that section of the Board rule,
3 because it is in the Board rule, and they came up
4 with a tool that addressed these documents that are
5 here in the presentation.

6 Asked guiding questions for LEAs to look
7 at and consider when looking at again referrals to
8 GNETS for students to receive services. So they
9 created this document to serve as a tool, and that
10 tool is still being used by some today.

11 Q And Pat is a regional GNETS director?

12 A She's a GNETS director for Oconee County.

13 Q Did she work with anyone on GaDOE on these
14 as well?

15 A I'm not sure if she worked on the initial
16 draft of the document with anyone from GaDOE, but I
17 know they did provide it to Nakeba for feedback, but
18 I do know that.

19 Q So Nakeba provided feedback but it was
20 before your time?

21 A I was moving in. Remember, I came in in
22 November.

23 Q Let's go to Slide 44.

24 A Okay.

25 Q Am I correct that the bullets on Slide 44

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1 represent documents?

2 A Yes.

3 Q And these were documents created by who?

4 A Pat Wolf is my understanding led that
5 work.

6 Q Let's go to Slide 45. Do you see where it
7 reads, quote "Consistency for Consideration of
8 Services Document"?

9 A I do.

10 Q What was the impetus for consistency for
11 these documents?

12 MS. JOHNSON: Objection.

13 A I do not recall that.

14 Q The slide continues that "Some programs to
15 pilot beginning in January." Correct?

16 A Yes.

17 Q What does that mean?

18 A They were going to pilot using the
19 consideration of services tools, these handouts.

20 Q And they're still using these tools?

21 A Yes, some of them. Yes, they are.

22 Q Some of them or all of them?

23 A The tool is available. So let me clarify,
24 I don't, again, attend the meetings, but I know in
25 just conversations with some of them they provide

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1 this information to the LEA as a guide in looking at
2 -- or tool to use when looking at considering
3 services for students.

4 That aligns with the third -- some of
5 that, yeah.

6 Q How are schools selected to pilot?

7 A I do not know.

8 Q Do you know how many programs were
9 piloting?

10 A I do not. That was early on.

11 Q After the pilot, did the documents change
12 in any way?

13 A I don't recall specifically any changes
14 other than edits for framework, or something like
15 that, but from my tenure it pretty much looked this
16 way.

17 Q Do you know who made the decisions to make
18 those edits?

19 A I don't. I do not.

20 Q Let's dive into some of these documents.

21 MS. TUCKER: I'd like the court reporter
22 to mark this document as Plaintiff's Exhibit
23 381.

24 The Bates number on the first page of the
25 exhibit is GA00030542.

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1 (WHEREUPON, Plaintiff's Exhibit-381 was
2 marked for identification.)

3 BY MS. TUCKER:

4 Q It is a two-page document entitled
5 "Georgia Network for Educational and Therapeutic
6 Support, Request for GNETS consultation."

7 Mrs. Cleveland, do you recognize this
8 document?

9 A I do.

10 Q And this is one of the documents we were
11 just speaking about; is that correct?

12 A I think it was in the presentation.

13 Q Who created this document?

14 A This was created by Pat Wolf and -- my
15 understanding.

16 Q What is the purpose of this document?

17 MS. JOHNSON: Objection.

18 A This is a document that they share with
19 the LEAs that could be used to provide them guidance
20 for any student that they're looking at referring to
21 GNETS services.

22 Q Do GNETS -- please go ahead.

23 A I think it's like part of the packet they
24 give them to use.

25 Q Do all regional GNETS programs use this

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1 document?

2 MS. JOHNSON: Objection.

3 A I cannot definitively say yes, but I know
4 -- my understanding is that they are using it.

5 Q Is it -- do you think every GNETS program
6 should use this document?

7 MS. JOHNSON: Objection.

8 A I wouldn't make a -- I mean we don't
9 mandate that they have to use -- this document is a
10 tool that's available.

11 Q Are there any documents that GaDOE does
12 require related to consideration of services?

13 MS. JOHNSON: Objection.

14 A No documents that we require because it
15 should be done through an IEP process.

16 Q Does GaDOE provide any technical
17 assistance on consideration of services?

18 A It's part -- because that's in the Board
19 rule, it was part of the training that I provided.
20 Like, for example, that group of LEAs and special
21 education -- special education connectors and GNETS
22 directors, consideration of services in the Board
23 rule.

24 Q Okay. So you discuss it with the Board
25 rule, not document specific; is that correct?

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1 A We did -- I don't remember totally. I
2 believe that this was included. That this is a tool
3 that you can use in that training that I did for the
4 special education directors. This is a tool that
5 they can use, that GNETS directors will provide to
6 you. It was in that training.

7 Q It is a tool that you endorsed?

8 MS. JOHNSON: Objection.

9 A Endorsed, as in --

10 Q Encouraged districts to use.

11 A Not -- no, not encourage, but, you know,
12 just share, hey, this is something that is available
13 if you want to use. But, no. Not encourage, no.

14 Q Do students ever leave the GNETS program
15 after being placed there?

16 A If the IEP team recommends a lesser
17 restrictive environment, that could be a possibility
18 through an IEP meeting.

19 Q How does the exit process work?

20 A It's not so much an exit process. It's --
21 with any child with a disability the IEP team meets,
22 looks at the data, analyzes that, or whatever they
23 have in their present levels, how the child is
24 progressing on goals and objectives. As with any
25 child with a disability, they would make

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1 recommendations for what that LRE is for that
2 student.

3 MS. TUCKER: I'd like the court reporter
4 to mark this document as Plaintiff's Exhibit
5 382.

6 The Bates number on this exhibit is
7 GA00323024.

8 (WHEREUPON, Plaintiff's Exhibit-382 was
9 marked for identification.)

10 BY MS. TUCKER:

11 Q This is a May 24th, 2018 email chain
12 between you and Linda Castellanos, with the subject
13 reading "Exit Criteria for GNETS."

14 Do you recognize this email, Mrs.
15 Cleveland?

16 A It came from me, but I don't recall what I
17 put in it, but yes.

18 Q You have no reason to think you not send
19 this?

20 A Oh, no, no. I recognize it.

21 Q Who is Linda Castellanos?

22 A Linda Castellanos works in our Special
23 Education Division. She is our data manager, I
24 believe may be her title.

25 Linda works with districts on getting

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1 access to GOIEP, which is a state online IEP system,
2 and she also works with data teams within GaDOE, our
3 division, yeah. She works in our division. She
4 does.

5 Q In the bottom email do you see where Linda
6 Castellanos writes: "Was a definite decision made
7 that the Exit Criteria for GNETS will no longer be
8 required?"

9 A Yes, I see that. Yes.

10 Q What is she referring to?

11 MS. JOHNSON: Objection.

12 A That would have been before my tenure. I
13 think there was -- I don't know for sure --
14 something out there about it is a criteria, but I
15 know during my tenure decisions regarding services
16 and kids moving back up the continuum were going
17 back into their lesser restrictive environments as
18 determined by the IEP.

19 So I'm not familiar with what the exit
20 criteria was. I do not know, but I know it was no
21 longer required for whatever it was, because my --
22 under my guidance it was the IEP team determines
23 what those services look like.

24 Q The decision to no longer have exit
25 criteria was made before your start as GNETS program

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1 manager, correct?

2 A My understanding, that changed when the
3 Board rule changed.

4 Q When was that?

5 A The Board rule was reauthorized in 2017, I
6 believe.

7 Q Does GaDOE receive data on how long a
8 student has been in GNETS?

9 A No, I don't receive a report on that.

10 Q That's not information that you collect?

11 A No.

12 Q Like length of stay? Length of placement?

13 A No. Not currently, no.

14 Q Do you have any knowledge on this area of
15 how long an average stay for a GNETS student is?

16 A I do not.

17 Q Is that information that the regional
18 GNETS programs collect?

19 MS. JOHNSON: Objection.

20 A I don't know that they would collect it.

21 Q Do you look at data related to GNETS
22 students who leave and return to the general
23 education setting?

24 A That's the data in the grant application
25 that looks at reintegration.

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1 They list in there, and this is
2 self-reported data from each program, they list
3 students, you know, that went back for
4 extracurricular, students that went back to their
5 home school district. There are different little
6 reporting pieces in there, maybe four or five items,
7 that they provide data through their grant
8 application process. So we do have that
9 information.

10 Q What are the four or five items that are
11 required in the grant application?

12 A One of them was short-term stabilization,
13 return to home school.

14 Let me see. I'm trying to think what else
15 was on there.

16 Or remain center-based. I don't want to
17 misquote but these are some of the pieces of the
18 reintegration those are the examples of the
19 reintegration data that's in the grant app.

20 Q Do you assess this data when looking at a
21 GNETS application?

22 A We do take a look at that.

23 Q What do you look for?

24 A Just what they're reporting as the, the
25 locations that kids are being served.

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1 What we have done previously, too, in
2 strategic plan reviews, that's the data that is
3 looked at with that, and just have conversations
4 with them about the number of kids who have
5 reintegrated, the number of kids that are
6 participating in extracurricular activities. We've
7 had discussions with some -- with them during
8 strategic plan reviews on that.

9 Q What would you discuss with regard to
10 that?

11 A Just asking that question. What does your
12 reintegration data look like? How many students
13 have gone back to their home school districts? How
14 many kids are participating in extracurricular
15 activity with their home school districts?

16 If they are center-based, are the kids
17 leaving centers and going back to participate in
18 extracurricular. Are kids that are school-based,
19 are they participating? When are they exiting?

20 Any questions around reintegration.

21 Q Why are you asking those questions?

22 A It is part of the strategic plan. That's
23 a section we have in there, and it's in the grant
24 app, reintegration data, because we want to see the
25 data and the trends of who's remaining in GNETS and

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1 in what environments and how are they accessing
2 their peers.

3 Q Do you -- it sounds like you review this
4 at the regional program level?

5 A Yes, we do.

6 Q Do you look at it as a whole for the GNETS
7 program?

8 A It's a --

9 Q For all 24 together?

10 A No, I haven't pulled that data as a whole,
11 but I'm able to see it for each individual GNETS.

12 Q Have you ever recommended changes to a
13 regional GNETS program related to that student
14 reintegration data?

15 A I have not.

16 Q Have you ever -- what type of feedback
17 would you provide on those topics?

18 A Feedback may be positive, if they're -- if
19 I'm seeing that kids are going back for some period
20 of a school day or if they're going back for
21 electives, connections, some sports activities, RTC,
22 something like that.

23 And the feedback may be that as -- you
24 know, when you're -- you know, you're looking at
25 LRE, are you guys -- how many kids did you have go

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1 back? What did that look like? What did their
2 services look like when they went back.

3 You know, always encouraging like through
4 the Board rule that kids are educated in -- I know
5 this is special ed jargon, but it's the least
6 restrictive environment. Always encouraging them to
7 look at least restrictive environment per the Board
8 rule and just per IEP process.

9 Q Do you provide any constructive feedback
10 on this point about certain steps to take?

11 A No, because the decisions are so local --
12 they're local. I can't make decision -- or make
13 recommendations for what IEP teams are going to
14 recommend for their students.

15 Q You just mentioned that you in this data
16 look at the number of extracurricular activities for
17 GNETS students, correct?

18 A That's one of the items.

19 Q Do all regional GNETS programs have their
20 students participating in extracurriculars?

21 MS. JOHNSON: Objection.

22 A I don't know. I mean I don't have that
23 data memorized to know if kids have gone back but
24 it's data I can get access to.

25 Q Okay.

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1 A Or information I can get access to.

2 Q What about, are there any regional
3 programs from that data that have not had students
4 reintegrated into the gen ed --

5 MS. JOHNSON: Object.

6 Q -- school year? Or gen ed environment
7 during a school year?

8 MS. JOHNSON: Objection.

9 A I don't recall that right this moment off
10 the top of my head.

11 Q But you have access to that data?

12 A I can see in their grant app where they've
13 reported those reintegration numbers.

14 Q And this is the process of exiting a
15 student from GNETS to the general education
16 environment is referred to as student reintegration?

17 Is that correct?

18 A It's the IEP process and, yeah, it's part
19 of our strategic plan in grant app. Yes, we're
20 looking at how do kids reintegrate.

21 Q Okay.

22 MS. TUCKER: I'd like the court reporter
23 to mark this document as Plaintiff's Exhibit
24 383.

25 (WHEREUPON, Plaintiff's Exhibit-383 was

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1 marked for identification.)

2 MS. TUCKER: The Bates number on the first
3 page of this document is GA0035 -- no.

4 GA00335698.

5 BY MS. TUCKER:

6 Q This is an October 19th, 2018 email from
7 Lakesha Stevenson to Harold Chambers and you are
8 copied on this email, and there's some attachments.

9 Mrs. Cleveland, do you recognize this
10 email?

11 A I do.

12 Q Who is Harold Chambers?

13 A Harold Chambers was the RESA director for
14 Coastal Plains RESA. He has also retired, but he
15 was the RESA director there for Coastal Plains.

16 Q Okay. And what is Coastal Plains RESA?

17 A It's a fiscal agent for the -- it's from
18 Sam's program, or Horizon's program.

19 Q What did you meet about with Harold
20 Chambers on October 25th?

21 A Harold called and invited us to just come
22 and talk about what GNETS services are. You know,
23 what the program services are about.

24 We talked about the strategic plan
25 implementation and how the strategic plan, you know,

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1 monitoring piece works.

2 I'm looking at this to remember.

3 I talked about the different components of
4 the strategic plan. It looks like I got into the
5 behavior support service, academic, all of those
6 components of the strategic plan.

7 Then I talked about GNETS reintegration.
8 Those are other tools that are available. If
9 programs want to use that tool, one of these
10 documents.

11 I think we'll talk about systemic
12 reintegration. If a district is moving their kids
13 out of the GNETS network back to the LEA, it's a
14 tool they can kind of use to go through and look at
15 the different areas they need to kind of take a look
16 at and looking at reintegration -- yeah, going back
17 to the LEA.

18 There was another tool that was also --
19 I'm pretty sure it was created by the GNETS
20 director, that looked at individual student
21 reintegration for IEP teams when they are reviewing
22 whether the student is moving back up the continuum.

23 I talked about what GRS could do, because
24 each region -- GRS is also assigned regionally
25 throughout the state.

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1 Talked about facilities management,
2 program accountability.

3 At that time Nakeba had submitted a state
4 action -- had submitted a state action plan. Based
5 on what we found after doing the research plan, we
6 compiled data based on our feedback with those.

7 And then talked about the LEA roles and
8 responsibilities regarding GNETS services. And then
9 those guiding questions were shared, that GNETS
10 providers can use, because the GNETS director was
11 also in attendance at that meeting.

12 Q It is -- have you had other meetings like
13 this with RESAs?

14 A Not that I can recall, because Harold
15 reached out and asked that we come and just, you
16 know, talk to that RESA.

17 Q Let's turn to the third attachment, which
18 starts with GA00335703.

19 Am I correct this is a document titled
20 "Guidance and Planning Document for Student
21 Integration from GNETS" --

22 A Yes.

23 Q -- "to an LEA Setting"?

24 A Yes.

25 Q Are you familiar with this document?

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1 A I am.

2 Q Am I correct that the first page includes
3 bullets outlining the student reintegration process?

4 A You're talking about 5703?

5 Q Yes.

6 A What was the question again.

7 Q It outlines the student reintegration
8 process; is that correct?

9 A Yes.

10 Q And the second page includes Student
11 Reintegration Flow Chart? Am I correct?

12 A That's the title.

13 Q And the third and fourth pages include
14 what is identified as a Student Reintegration Plan.
15 Is that correct?

16 A Yes.

17 Q Who drafted this document?

18 A From 5705, I was coming in. I believe
19 Lisa Futch, GNETS director for Coastal.

20 Q I'm sorry, did you say it was Lisa Futch?

21 A Yes. She's a GNETS director for Coastal
22 Academy.

23 I don't recall all the details, but I
24 remember her training, providing training in a
25 meeting to the GNETS directors. I don't recall the

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1 date of the training. It was one of those earlier
2 meetings on this student reintegration plan.

3 It's, it's a tool they can use to help
4 guide recommendations for reintegrating the
5 students.

6 Q Did you ask her to present on this?

7 A I did. Because -- I did because I think
8 that she had been working on this with Nakeba
9 before, before she left. But I did ask her in one
10 of those early meetings to share, share this tool
11 with the directors.

12 Q And what about the first two pages, did
13 you create those?

14 A I don't -- it's been a while. I can't
15 definitively recall that I created it.

16 Q Okay. But do you do recognize this?

17 A Yes, I've seen it.

18 Q And the flow chart?

19 A I've seen it.

20 Q Is the document still being used?

21 MS. JOHNSON: Objection.

22 A I would not know if they're still using it
23 because it's a part of that IEP planning piece. So
24 I would not know if they're still using it.

25 Q Let's look at the flow chart.

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1 A Okay.

2 Q Do you see the last two steps on the
3 bottom that read GNETS and LEA staff collaborate on
4 fulfilling the requirements within the first 10 days
5 of the student's reintegration, and also GNETS and
6 LEA staff continue ongoing collaboration to support
7 the student with being successful in a less
8 restrictive setting?

9 Do you see that?

10 A I do.

11 Q Is it fair to say that this document
12 contemplates collaboration between the GNETS and the
13 school district when it comes to student
14 reintegration?

15 MS. JOHNSON: Objection.

16 A Yes, through that IEP process.

17 Q Do you provide technical assistance or
18 guidance on this collaboration and what it looks
19 like?

20 MS. JOHNSON: Objection.

21 A Um --

22 MS. JOHNSON: You can answer.

23 A Um, yes. That's some of that
24 collaboration that I provided in that training with
25 directors, special ed directors and GNETS directors.

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1 And also in the LEA collaborative, when we
2 defined those roles, it was defined in those roles,
3 that they work together in IEP meetings. The GNETS
4 director should be present for those meetings, or
5 their designee. LEA directors and their designee
6 and GNETS directors should be present at those IEP
7 meetings where they are designating.

8 So they do collaborate in IEP meetings.

9 Q And do you monitor this collaboration?

10 A No. No.

11 Q But you provide technical assistance?

12 A Guidance on it, yes. That's the best
13 practice, yes.

14 Q Do you ever consult on the creation of a
15 student reintegration plan?

16 A I do not.

17 Q When you provide the technical assistance
18 on the collaboration, what do you -- what do you
19 share? What type of technical assistance is it?

20 A I really use the Board rule. Even with
21 this, the LEA collaborative presentation that we
22 looked at earlier, it's all around the Board rule.

23 So if I'm providing that guidance, I keep
24 that lens of, you know, this is what's within the
25 Board rules and those roles are defined in the Board

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1 rule, the roles for the LEA and the roles for the
2 GNETS directors.

3 Q This is the 2017 Board rule?

4 A Yes, the most updated.

5 MS. TUCKER: Let's take a break for lunch.

6 THE VIDEOGRAPHER: Off the record at 12:52
7 p.m.

8 (A luncheon recess was taken.)

9 THE VIDEOGRAPHER: We're back on the
10 record at 1:41 p.m.

11 BY MS. TUCKER:

12 Q Welcome back, Mrs. Cleveland.

13 A Thank you.

14 Q Do you participate in interviews of the
15 regional GNETS program directors?

16 A No, I do not.

17 Q Do you know who does?

18 A I don't -- well, no, I do not. I know
19 each fiscal agent has their process for how they
20 hire their staff.

21 Q Are you consulted before a regional GNETS
22 director is selected?

23 A No.

24 Q Do you provide any evaluations on the
25 GNETS, regional GNETS program directors?

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1 A No.

2 Q Does the LEA ever ask for feedback, or the
3 RESAs?

4 A No.

5 Q Do you know who pays their salaries?

6 A GNETS has two fiscal agents. With some
7 are RESA fiscal agents and some are LEA fiscal
8 agents. So it would depend on who that fiscal agent
9 is for that program, because there are 12 RESA
10 fiscal agents and 12 LEA fiscal agents.

11 Q Are there any staff of a regional GNETS
12 program that's employed by GaDOE?

13 A No, because I do their budget allocations.
14 No.

15 Q Has there been in the past?

16 A Not that I'm aware of.

17 Q Great.

18 MS. TUCKER: I'd like the court reporter
19 to mark this document as Plaintiff's Exhibit
20 384.

21 The Bates number on the first page of this
22 exhibit is GA00014291.

23 (WHEREUPON, Plaintiff's Exhibit-384 was
24 marked for identification.)
25

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1 BY MS. TUCKER:

2 Q It's a December 14th, 2017 email from
3 Jacqie Neal to you, with a cc: to Nakeba Rahming.
4 And the subject is "Assurance - RESA - NS -
5 StaffRehab."

6 Mrs. Cleveland, do you recognize this
7 email?

8 A I'm reading it. Just a second.

9 Q Of course.

10 A Okay.

11 (Witness reviews exhibit.)

12 A So my name is on it.

13 It was early on, but yes, I recognize the
14 email.

15 Q Who's Jacqie Neal?

16 A Jacqie Neal is the GNETS director for the
17 Northstar program.

18 Q And do you see where she writes:
19 "Attached are the DOE documents regarding the state
20 funded social work position"?

21 A I do.

22 Q By DOE -- DOE, am I correct she means what
23 we've been referring to as GaDOE?

24 A Yes.

25 Q What is the state funded social work

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1 position?

2 A That is the position that I mentioned
3 earlier with the 11 programs that get the
4 therapeutic services grant. Northstar is one of
5 those programs.

6 Q So this is a state grant for a social work
7 position?

8 A For therapeutic services for social
9 worker, licensed clinical social work, or M.S.W.

10 Q You mentioned earlier 11 programs received
11 --

12 A Yes, ma'am.

13 Q Great.

14 Let's turn to the first attachment, which
15 begins with Bates No. GA00014292.

16 Do you see at the top where it reads:
17 "FY18 GaDOE Approved GNETS Temporary Therapeutic
18 Services Assurances"?

19 A I do.

20 Q Do you recognize these assurances?

21 A I do not. It looks like this is something
22 that was done in November, in December of 2017,
23 which would have been when I was coming in, but I'm
24 not familiar with this document.

25 Q Are similar assurances provided, you know,

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1 recently? I believe you said that the programs
2 continue to receive these grants each year?

3 A This one -- but we don't do an assurance
4 for this. We do have fiscal assurances for the
5 other -- I mean for the fiscal agents. There's RESA
6 fiscal assurances for the state grant dollars, and
7 then there's an LEA fiscal assurance.

8 But I don't have a fiscal assurance that
9 is issued for the therapeutic services grant. It's
10 a subgrant, and I don't have any assurances that
11 I've seen around that.

12 Q Do you know when this process stopped for
13 this grant?

14 A I do not, because I've never seen this
15 form.

16 Q Okay.

17 A This is like she's in agreement with a
18 contract provider, maybe. I'm just reading the
19 form.

20 Q An employee of Staff Rehab?

21 A Yeah, it looks like this is something she
22 does.

23 Q But there's no longer assurances for this
24 grant?

25 A No, I'm not aware of any GaDOE assurances

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1 for that grant.

2 Q Thank you.

3 MS. TUCKER: I'd like the court reporter
4 to mark this document as Plaintiff's Exhibit
5 385.

6 The Bates number on the first page of this
7 exhibit is GA00329605.

8 (WHEREUPON, Plaintiff's Exhibit-385 was
9 marked for identification.)

10 BY MS. TUCKER:

11 Q This is a July 25th, 2018 email from you
12 to Keith Everson, with the subject "Social Worker
13 Update."

14 Mrs. Cleveland, do you recognize this
15 email?

16 A Yes.

17 Q Who is Keith Everson?

18 A Keith Everson was the RESA director for
19 the Rutland program. He was their RESA director.

20 And this Rutland is one of those eleven
21 that receives the therapeutic services social worker
22 grant.

23 Q So am I correct that the \$87,500 to pay
24 for the social worker was part of that grant?

25 A That allocated grant, yes.

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1 Q And do you approve the decision for the
2 regional programs to receive the grant money?

3 A These are the ones that I mentioned
4 earlier, that were allocated this grant based on
5 need with me coming on board in this position, and,
6 yes, I do present this as a Board item each year.

7 It's paid out of the state grant fund, and
8 it's presented as a therapeutic services grant and
9 it's subgranted to the GNETS to provide these
10 providers with therapeutic services.

11 Q Do you need further approval within GaDOE
12 before it goes to the State Board?

13 A Yes. I share that with Wina Low, with my
14 supervisor, these are the recommended allocations,
15 this is -- you know, what each GNETS is getting, and
16 for the therapeutic services that's one of the
17 grants that come out of the state dollars. Yes, I
18 have to share that with them.

19 Q I just wanted to confirm it was what we
20 were speaking about earlier, too?

21 A Yes, it's the same. She's part of that
22 group.

23 Q Thank you.

24 Do you know any school districts that
25 don't participate in the GNETS program?

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1 A I wouldn't know -- have that list. I do
2 know the ones that do participate because we have a
3 GNETS directory and it will show the GNETS providers
4 and what districts they're providing services to.
5 So it would be any of those. You know, no one
6 that's not one of those list of, you know, services,
7 providers that we provide -- that they provide
8 services to any of the other LEAs throughout the
9 district. There are several that I wouldn't know
10 who they are.

11 Q There are several districts that do not
12 participate in GNETS?

13 A No. I only know of the ones we have on
14 our directories are the ones that do participate in
15 GNETS. If they are not on that directory, I don't
16 know.

17 Q Do you know how many school districts do
18 participate in GNETS?

19 A That number -- I don't know. I just pull
20 the directory, total number.

21 Q Have any school districts ended their
22 participation in GNETS during your time as GNETS
23 program manager?

24 A Yes.

25 Q Which programs?

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1 A Effingham School District, they were
2 participating through the Coastal Georgia
3 Comprehensive Academy Program. I think they pulled
4 out of GNETS programming maybe -- I don't want to
5 give an inaccurate date, but it would be three years
6 ago. Maybe three, because it wasn't during 2020.
7 Three years ago.

8 Decatur County is another one that pulled
9 out some years ago.

10 And Camden County is -- well, no, they're
11 not pulling out. I'm sorry. They are just changing
12 their GNETS provider. I got that wrong.

13 The only ones I can think of are Decatur
14 -- since I've been in place, Decatur County and
15 Effingham County, the ones I recall right now.

16 Q I apologize. I couldn't hear what you
17 said about Camden County.

18 A I was --

19 Q What were they doing?

20 A I misspoke, that they were pulling out.
21 They were just changing their GNETS provider for
22 next year.

23 Q Does that mean that they will belong to a
24 different -- one of the 24 regional GNETS providers?

25 A They are currently -- they were currently

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1 in the network anyway, participating in the network,
2 but their provider was Coastal Academy. Their new
3 GNETS provider is Harrell Learning Center.

4 Q As of this year or next year?

5 A For next year.

6 Q So going back to Effingham County and
7 Decatur County, how did you become aware these
8 school districts were ending their participation?

9 A That's outlined in the Board rule, that if
10 an LEA or fiscal agent is looking at changing GNETS
11 providers, or not participate, they notify GaDOE in
12 writing, per letter saying we will be pulling out or
13 we will not be participating.

14 That way I need that information so, one,
15 I can make sure our directory is updated correctly
16 for who the GNETS providers are providing services
17 to, what LEAs, and also in student record count, if
18 I needed to adjust numbers, saying this number of
19 students will no longer participate. For example,
20 in Elam, or one of the other programs, so they
21 notify us to let us know.

22 Q So once you receive this notification per
23 the State Board rule, what do you do?

24 A I notify my supervisor that they will be
25 pulling out. And again I update the GNETS director

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1 for that following year, so our information is
2 accurate and we know who the LEAs are that are
3 participating.

4 Q When Effingham notified you, did they give
5 a reason why they were pulling out?

6 A I don't recall a reason. I can't remember
7 at this moment exactly what they said, but that they
8 were pulling out and providing I guess service for
9 their students, their own students.

10 Q In the gen ed setting?

11 A They didn't say what setting. They were
12 just not participating in the GNETS network.

13 Q What about Decatur County?

14 A I don't remember exactly at this moment
15 what the letter said, but they just sent a letter
16 saying they would no longer be participating, and
17 that's been some years ago.

18 Q How do students like Effingham or Decatur
19 or the other districts that don't participate, how
20 do they serve students similar to the population
21 served by GNETS?

22 MS. JOHNSON: Objection.

23 A I wouldn't know because, again, once
24 they're no longer in the network, I'm definitely not
25 -- I don't participate in any IEP meetings, so I

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1 definitely wouldn't know what they were doing.

2 Q Have you ever spoken to any school
3 districts about how they're serving students outside
4 of GNETS?

5 A I have not.

6 Q Is your work as GNETS program manager
7 influenced by any audits or evaluations of GNETS
8 conducted by the State?

9 MS. JOHNSON: Objection.

10 A No. Not that I'm aware of, no.

11 Q Are you aware of any audits or evaluations
12 of GNETS by the State?

13 A No.

14 Q So we've talked a bit about the GNETS
15 state rule. I'd like to learn a little bit more.

16 What is the purpose of the GNETS rule?

17 MS. JOHNSON: Objection.

18 A The GNETS rule, as with any rules that the
19 State Board I guess approves or -- are a part of the
20 rules for the State, was developed -- I know was
21 updated -- I don't know anything about previous to
22 2017, but was updated in 2017, and that's the rule
23 and guidance that is used with implementation of the
24 program.

25 Q So the version prior to 2017 you're not

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1 familiar with?

2 A I've seen that old version but I'm not
3 familiar with the contents, whereas I am with this
4 one because this one I was coming in, in the
5 November.

6 Q Why was the rule revised in 2017?

7 MS. JOHNSON: Objection.

8 A I do not know. I wasn't there.

9 Q Did you participate in any conversation
10 since you were at GaDOE at that time?

11 A The rule was revised in July, and I was
12 not working in GNETS. At that time I was a DL.

13 Q And it didn't come up when you were a DL?

14 A No.

15 Q Would you say the GNETS rule informs how
16 you work in your position?

17 A It does.

18 Q In what ways?

19 A One, the SEA roles and responsibilities
20 are defined in that, and I'm able to provide
21 technical assistance to GNETS directors and special
22 education directors on the Board rule and the
23 contents.

24 Q Let's take a look at the rule.

25 I am going to show you what was previously

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1 marked as Plaintiff's Exhibit 82.

2 (WHEREUPON, Plaintiff's Exhibit-82 was
3 previously marked for identification.)

4 BY MS. TUCKER:

5 Q This is -- the top of the document states
6 "160-4-7.15." It says, "Georgia Network for
7 Educational and Therapeutic Supports (GNETS)."

8 Mrs. Cleveland, is this the 2017 rule?

9 A I was going to look at the back.

10 It is, July 5th, 2017.

11 Q Let's turn to Section 5(a) on the SEA's
12 duties and responsibilities. It starts on Page 4.

13 Do you see that?

14 A Yes.

15 Q I believe we both agreed earlier SEA means
16 state educational agency?

17 A Correct.

18 Q So GaDOE?

19 A Yes.

20 Q Do you see where it says: "The SEA shall
21 1. Receive and disburse funds appropriated by the
22 Georgia General Assembly to support GNETS services"?

23 A Yes.

24 Q Who all works on this responsibility
25 within GaDOE?

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1 A This is the budget process. I work with
2 the budget liaison, and this is that process I
3 explained where I get the student record counts.
4 When I get those, usually around July, I get those
5 to Geronald, our budget liaison.

6 It goes through that process of him
7 getting that information to the Office of Planning
8 and Budget, and whatever happens in that legislature
9 process through the budget process that year, once
10 it comes back from them, he then gets the final
11 allocations, once the budget is approved and signed
12 by the Governor. It's my understanding he then gets
13 those allocations to me and then I create the Board
14 item for the allocations.

15 Q How long does that process take?

16 A The budget process, I guess it falls in
17 the legislative calendar, which I'm not sure the
18 first start date or end date, but I know this
19 information, as far as students record count, I
20 typically will get that to Geronald, like in
21 September, like around this time. September I get
22 those numbers to him, and then I don't hear back
23 from him until the spring, once it's gone through
24 that legislative budget process, that these are the
25 approved allocations for GNETS.

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1 And then from there I share with my direct
2 supervisor, Lakesha and Shaun, of course, these are
3 the allocations, whatever fiscal year it is, and
4 then I develop that Board item with the spreadsheet
5 that shows what those allegations are going to be.

6 Q And when are funds disbursed to the GNETS
7 program?

8 A Once it goes -- comes over -- I typically
9 get that April, May, maybe from Geronald. The Board
10 item is created. It goes to the Board for approval,
11 of course. And once the Board approves it, it goes
12 to Grants Accounting Office and the Grants
13 Accounting Office pushes the funding out to their
14 budgets.

15 Q Can you give an estimate of what time of
16 year that is?

17 A April. You know, the, the general
18 assembly does their piece in approving everything,
19 the Governor signs off.

20 This could be -- I kind of handle that as
21 a Board item typically by June. That's when I
22 usually take that item. So I'm getting that
23 information, you know, the Board item developed,
24 approval, sent to whoever it needs to go to, and
25 again it goes to the Board for June.

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1 So that budget process, from the time that
2 I give the information to Geronald and he gets back
3 to me in the spring, April, mid-April or May, it
4 goes to the Board in June.

5 Q Do you see where looking at the rule
6 again, it says: "The SEA shall administer the grant
7 funds by performing the following in collaboration
8 with GaDOE." With the first reading, "develop rules
9 of procedures regulating the operation of the GNETS
10 grant, including the application process."

11 A Yes. That operation of the grant, there
12 is a GNETS grant application that each GNETS
13 completes and submits. We have it -- it's now set
14 up through what we call our GaDOE portal, protected
15 portal.

16 Each GNETS goes in and they complete that
17 grant application. I did get that set up where they
18 are submitting those by May, so that I can have the
19 item to the Board by June, and we then -- Lakesha
20 and I review the grant applications.

21 Q Where it says develop rules and procedures
22 regarding the grant, the GNETS grant, have you
23 developed those rules and procedures?

24 A The rules fall to me under this, where it
25 talks about LEA -- I mean SEA administering and

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1 sending out the grants.

2 The procedures, we have an attachment that
3 is used that talks about what attachment should be
4 uploaded with the grant applications, and that
5 attachment, you know, talks about different items.
6 The restraint procedures have to be uploaded.

7 There are different things around that.
8 So that attachment serves as that.

9 And we also did a budget training. I
10 guess it may have been last fall. We try to do that
11 every fall, where it's explained about how their
12 allocations will go out.

13 I have someone from Amber's team come and
14 present on federal grants and the things that are
15 allowable and not allowable when they're getting
16 ready to develop their budgets with the funds.

17 Q In addition to this GNETS rule, are there
18 other written rules or procedures that GaDOE has
19 developed related to GNETS?

20 MS. JOHNSON: Objection.

21 A Ask the question again.

22 Q Yeah. Do you have any other written rules
23 or procedures related to the GNETS grant that you've
24 developed or someone at GaDOE has developed?

25 MS. JOHNSON: Objection.

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1 A Not to the grant, other than the grant
2 application and of course the attachments, you know,
3 things that should be attached to the grant
4 application.

5 Q Got it.

6 Let's move to 2ii.

7 Do you see where it reads: "Notify the
8 fiscal agents regarding each fiscal year's
9 allocation and approve GNETS services budgets"?

10 A Yes.

11 Q And you have this role, correct?

12 A I do -- when the budget allocations are
13 sent back to me or given to me by Geronald, the
14 budget liaison, I will create a spreadsheet that
15 says what those allocations are for each of the
16 GNETS programs, and before it goes -- it's kind of
17 happening at the same time the Board item is
18 created. I send that to Wina Low, who is the state
19 director for special education, and she will send
20 out preliminary allocations because it's not final
21 of course until it's approved by the State Board of
22 Education.

23 So we notify them these are your
24 preliminary allocations and, you know, these
25 allocations will be finalized after Board approval.

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1 So that preliminary communication goes out.

2 And in looking at approving the budgets, I
3 work with Amber's team, her program specialists.
4 They are also assigned regionally throughout the
5 State to support different LEAs. And those budgets,
6 as they are submitted from the fiscal agents, they
7 go to the budget liaisons first. They are looking
8 at that for compliance, function/object codes, which
9 is their jargon, on the budgets, and I work with
10 them to look at the budgets to see what they have
11 budgeted, on their budgets.

12 And then we -- if we have questions, if
13 it's a compliance question around what function or
14 object code was used, if they may have used a code
15 for teacher that should have been the code for para,
16 they look at that lens.

17 And if there are questions about any of
18 the items that have been budgeted in the
19 description, I may give feedback and say -- say if
20 they just put five positions. I may have a question
21 for them, what are the five positions, as I don't
22 know their jargon of function, object codes, and
23 they are able to work with the fiscal agent to say,
24 oh, this is for 10 teachers or this is for 10
25 parents.

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1 Q Are there ever items in the budget that
2 you don't approve?

3 A Not, not very often. It may be like that
4 example I gave, if I see something -- the example I
5 remember is 10 positions were on the budget. What
6 exactly, you know, is that for? Is that for
7 parents, teachers? Is it therapeutic people? You
8 know, what are those for?

9 So things like that, but that doesn't
10 happen regularly, from what I can recall right now.

11 Q Let's look at 2 -- 3ii.

12 Do you see where it reads: "Monitor GNETS
13 to ensure compliance with Federal and state
14 policies, procedure, rules, and the delivery of
15 appropriate instructional and therapeutic services"?

16 A I mentioned before the Results Driven
17 Accountability Unit. They monitor through
18 cross-functional monitoring, where they look at
19 those two GNETS files whenever they go out.

20 We have monitored through my -- the two of
21 us, Lakesha and I, through the strategic plan
22 review, you know, looking at that, reviewing that
23 with them. It's a self-assessment type rubric, that
24 they have the different activities outlined in the
25 different focus areas in the strategic plan.

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1 We have gone out and reviewed that with
2 them and looked at their ratings, their
3 self-assessment ratings, and given feedback based on
4 the, you know, the information that they share with
5 us, as to whether or not they are able to show
6 fidelity -- information for -- implementation for
7 the activities, the evidence of that. So we've
8 monitored that.

9 Q Through the strategic plan process?

10 A Uh-hum. For my division, yes.

11 And cross-functional monitoring teams,
12 when they go out, they monitor the RDA monitors,
13 like I said, those two IEPs they may pull. But our
14 budget division also monitors the budgets for the
15 different fiscal agents, and they do sometimes talk
16 with fiscal agents for GNETS about their budgets.

17 Q With the CFM monitoring, it's two IEP
18 files they look at?

19 A For RDA, yes. They pull two.

20 Q For results driven --

21 A -- accountability. They pull two files,
22 and it's random. My understanding from them, it's
23 random.

24 Q Is it the student IEP file only or are
25 there more documents?

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1 A My understanding, it's a student IEP file
2 and they review that for compliance.

3 Q How does GaDOE monitor GNETS to ensure the
4 delivery of appropriate instructional and
5 therapeutic services?

6 MS. JOHNSON: Objection.

7 A Repeat the question again. Make sure I
8 understand.

9 Q How does GaDOE monitor GNETS to ensure the
10 delivery of appropriate instructional and
11 therapeutic services?

12 MS. JOHNSON: Objection.

13 A The strategic plan has a focus area of
14 instructional implementation, and there's also a
15 behavioral and therapeutic piece, and it has
16 different activities that are outlined in that. And
17 that's where that self-assessment comes back again
18 with those activities.

19 That's not the, you know, all -- captures
20 all, everything that they do, but these are
21 activities that are in that strategic plan.

22 They do their self-assessment and then we
23 take a look at the evidence they pull together,
24 artifacts that shows how they've implemented that
25 activity in the plan.

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1 Q What do you mean by artifacts?

2 A Say in the strategic plan, if it's the
3 focus area of restraint data, or if it's the focus
4 area where you have implemented PBIS, they may show
5 evidence of this is what we're doing with PBIS with
6 our students, that those artifacts may show where
7 they've got PBIS hallways, classrooms. It shows
8 they are implementing that particular activity.

9 Q So you monitor this through the strategic
10 --

11 A Strategic plan.

12 Q What steps are taken by GaDOE if a
13 regional GNETS program is not complying with the
14 Board rule?

15 A I have not -- I'm trying to think. I
16 cannot think of any examples of where I have seen
17 noncompliance with the Board rule.

18 I don't -- again, we're not there for
19 every day-to-day implementation of the program, but
20 for what I do look at, I have not seen any
21 noncompliance that I can recall specific to the
22 Board rule.

23 Q Do you have any steps in place if there
24 was noncompliance?

25 MS. JOHNSON: Objection.

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1 A I do not.

2 Q What steps are taken by GaDOE if a GNETS,
3 regional GNETS program, isn't complying with federal
4 policies, procedures or rules?

5 MS. JOHNSON: Objection.

6 A Steps on my part, if there were something,
7 I would share that of course with the special
8 education -- special education state director, that,
9 you know, this is something that is a concern or
10 however that would be looked at, if it was
11 addressed, but I can't think of any examples right
12 now, to share anything.

13 Q So you have not found noncompliance with a
14 regional GNETS program with --

15 A Not through the -- through the strategic
16 plan process, you know, they get feedback through
17 ratings that this part of the strategic plan focus
18 area was operational, we didn't see evidence of
19 implementation, or we see some emerging evidence.

20 So it's a rubric rating, and that feedback
21 is given.

22 So if they're not operational or something
23 is emerging, part of that plan, there's a
24 self-assessment, and they do that self-assessment
25 twice a year. And once they look at the end of

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1 year, if it's October, then the end of year, once
2 they look at their self-assessment, they then rank
3 areas of priority, of needs based on the feedback
4 from the rankings -- ratings for each area.

5 Q How often do you meet with regional
6 programs regarding the GNETS rule?

7 A The last training I did was October 2020
8 training. Then everything was paused, of course,
9 when monitoring was paused.

10 So I have not done a training with SPED
11 directors and all of them, but just my monthly
12 meetings with the GNETS directors during the school
13 year.

14 Q Do they ever ask questions about the GNETS
15 rule? Rule, R-U-L-E.

16 A GNETS directors?

17 Q Uh-hum.

18 A I'm trying to think. Maybe a couple years
19 ago Stacey just asked a question about -- she's at
20 Futures Program, about the FBA and being completed
21 within a year and the bill being completed within a
22 year, and I was explaining to her, yes, that's in
23 the rule. That's the current process.

24 When they are looking at kids that are
25 being referred for services, we were clarifying that

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1 around reevaluation. For GNETS we were looking at
2 that as going above what's in place, if you look at
3 re-eval data every three years. That's what we did
4 have in place but I think there's been some change
5 there, through general supervision, under Wina's
6 shop.

7 But I explained that we would keep that in
8 place as far as the Board rule, because it would be
9 just Vickie just saying we would remove that
10 requirement.

11 Q Who said it would be removed?

12 A I said it would not be me being able to
13 remove that, as a requirement.

14 Q Do you look at compliance with the FBA
15 requirements or BIP requirements by the regional
16 GNETS programs?

17 A Say that again.

18 Q A moment ago you mentioned that Stacey,
19 who is a regional director, asked questions about
20 the GNETS rule related to --

21 A FBA.

22 Q -- FBAs and BIPs. Do you ever look for
23 compliance with that portion of the rule?

24 MS. JOHNSON: Object.

25 A I do not. I do not.

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1 Q Earlier you mentioned that you have
2 regularly scheduled monthly meetings with the
3 regional GNETS programs, with the directors.

4 A Yes.

5 Q Do you communicate with the regional
6 directors outside of these meetings?

7 A If they call and have questions, I mean
8 about something, I will return the call. If there's
9 an email asking a question for clarification on
10 something, I respond.

11 Q Would you say communication with the
12 directors happens weekly, or a director?

13 A Maybe not weekly, but occasionally things,
14 they may call and ask questions about things.

15 Q Do you discuss academic progress with the
16 regional GNETS directors?

17 A They implement iReady as a supplement
18 instructional intervention. So I have had in the
19 past the vendor provides a reporting piece of that
20 and I've had them share progress throughout the
21 network in the areas of math and reading, looking at
22 usage and pass rates for iReady. I've had them
23 share those updates.

24 And they also have access to that data
25 reporting themselves for their kids and how they're

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1 performing on those.

2 Q What is iReady?

3 A IReady is a math/reading diagnostic.

4 GaDOE looks at usage and pass rates for how kids are
5 performing in the different domains for reading and
6 math.

7 Q Is it curricula or remedial?

8 A Remedial.

9 Q Do all GNETS students participate?

10 MS. JOHNSON: Objection.

11 A Not --

12 Q You can answer.

13 A Not all students. That's a local
14 decision. Of course that depends on what they're
15 looking at as far as how kids are performing from
16 their data, and they can decide based on what they
17 see how their kids' progress is coming along, as to
18 whether or not they have them have this additional
19 supplemental piece.

20 Q Do you raise concerns related to academic
21 progress that you see in iReady?

22 A We look at the -- the data we get shows
23 the entire network. Like I can see how they're
24 performing in different domain areas and they're
25 moving -- if kids are moving.

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1 I'm trying to think when we would have
2 done some face-to-face. We do ask them to pull --
3 share their iReady data, because they can see it for
4 their specific GNETS, and there's conversation.

5 I mean we've had conversation that can
6 show, hey, kids are making progress, you're moving
7 kids from this domain and they're moving along with
8 the intervention.

9 Q Who pays for iReady?

10 A IReady is a supplemental instructional
11 grant and -- it's another grant that the board
12 gives. They let us know how many licenses they're
13 going to need, and we get that grant subgranted, and
14 each GNETS works directly with that vendor to do
15 their invoicing and what-not from the grant that's
16 subgranted.

17 Q But it's from the State?

18 A It's from the GaDOE big pocket of money,
19 yes.

20 Q What's the vendor's name?

21 A It's Curriculum -- it's iReady Curriculum
22 Associates. IReady.

23 Q A moment ago you mentioned that you sent
24 reports out in the past regarding progress, is that
25 correct, on iReady?

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1 A With iReady, they can pull their own
2 reports from that, but I've had the vendor
3 previously present at like a directors meeting what
4 the data looks like. He's done that in the past,
5 what the data looks like for the network.

6 Q Turning back to communicating with the
7 regional GNETS directors, do you discuss therapeutic
8 support and services?

9 A Yes. One way -- one way that's discussed
10 is with the eleven we're able to see what
11 interventions are implemented for that.

12 In the strategic plan reviews, that is one
13 of the focus areas, and in that focus area we
14 discuss, when we've done reviews in the past, what
15 therapeutic services they're providing for the
16 students in their programs for each review. We talk
17 about that in that focus area.

18 Q I know you mentioned you have provided
19 trainings to the GNETS directors. Have you ever
20 presented and provided trainings to staff or
21 teachers?

22 A I've not trained other teachers.

23 Q The training that you provide to the
24 regional GNETS directors, is that intended for them
25 to then take back and train --

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1 A Yes.

2 Q We have to be careful about --

3 A I'm sorry. I'm trying not to do that.

4 Q Don't worry.

5 Do you visit regional GNETS programs?

6 A Yes, I have visited. Of course everything
7 was paused in 2020, but we -- I do like to go visit.

8 Q Have you been to a regional GNETS program
9 since 2020?

10 A Last year? Did I have any meetings? All
11 the meetings have been done virtually, but we're
12 planning to go out this year.

13 So I'm trying to think, make sure I didn't
14 go anywhere in 2019 or 2021.

15 Not that I can recall right now. I don't
16 think we went out in 2021. Not that I can recall.

17 Q Do you have any trainings --

18 MS. TUCKER: Scratch that.

19 BY MS. TUCKER:

20 Q Do you have any visits planned for the
21 next few months?

22 A We're planning. We're in the process of
23 planning. Our specialists in our location are
24 looking at planning dates to go out. Because our
25 meeting, even though the GNETS directors meetings

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1 have been virtual, of course since 2020, but we're
2 looking this year in trying to do maybe three that
3 are face-to-face.

4 We're starting out with our first one
5 virtually and then the next one we plan to do
6 face-to-face.

7 Q Which programs are those meetings with?

8 A That's with all the programs. All the
9 GNETS directors.

10 Q I want to turn back to something a moment
11 ago --

12 A Okay.

13 Q -- when we were speaking at the same time.

14 We spoke about the trainings. You provide
15 trainings to the regional GNETS directors, correct?

16 A Correct.

17 Q And you have not provided trainings to the
18 GNETS staff or teachers, correct?

19 A Correct.

20 Q The trainings that you provide to the
21 regional GNETS directors, are those then presented
22 back to the regional GNETS program staff?

23 MS. JOHNSON: Objection.

24 A I don't know if they re-deliver everything
25 because some of the training that I provide, it may

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1 be applicable to local teacher staff and it may not.
2 So I don't know what specifically they're taking
3 back, but a lot of the topics that we provide
4 training on are those administrative type things,
5 like the TKES and LKES training.

6 I don't provide that training but I have
7 Deanie, who runs -- is a program specialist, I
8 believe, for TKES and LKES, provide that training,
9 and some GNETS directors may take that back or may
10 not. I'm not sure.

11 Q Do you provide presentation materials in
12 advance or after the fact?

13 A Yes, I do provide those presentation
14 materials.

15 Q When you visit a regional GNETS program,
16 do you visit all the sites?

17 A I have not been able to visit every site,
18 but my first couple years I was able to visit quite
19 a few, not all.

20 But as we plan for visits for next year,
21 that's what we've been looking at, is trying to
22 touch as many as we can.

23 Q What reasons do you visit a regional GNETS
24 program?

25 A One, to observe what's going on

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1 academically. Instruction, you know, walking in and
2 seeing what instruction is taking place. Asking
3 them about their programming. Trying to visit
4 school-base and center-base locations when we go.

5 The big -- mostly having them talk to --
6 share with me or with us what their result -- what
7 is going on with their program, what they're
8 offering instructionally and with their therapeutic
9 piece, and get to see it.

10 Q Who goes with you?

11 A Lakesha Stevenson, my program specialist.

12 Q Does Lakesha Stevenson ever go to a
13 program without you?

14 A She has, if she was doing the strategic
15 plan review. Again, we had to pause those in 2020.
16 So she had gone out -- I know she went to one
17 without me. She had gone to some with me in 2019
18 onsite.

19 Q Does anyone else in GaDOE join you?

20 A Not for the strategic plan reviews.

21 Q What about other visits?

22 A I'm trying to think of anybody. The GNETS
23 director of course will be there if we go visit.

24 I'm trying to think if we've had anyone
25 else, other than me.

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1 Q Anyone that --

2 A Not that I can recall.

3 Q Anyone within GaDOE?

4 A I'm trying to think of when I've had
5 anybody go. This would be have been since 2020.
6 Not that I recall.

7 Q Earlier you mentioned that you would visit
8 a GNETS program to exert -- observe academics and
9 instruction. Are these meetings separate from the
10 strategic review meetings?

11 MS. JOHNSON: Objection.

12 A When we were out doing the visits, before
13 review would start or maybe after review, I may
14 visit some classrooms. So it could have been during
15 the strategic plan reviews.

16 I'm trying to think. Or if we're doing
17 meetings, when we used to have those face-to-face,
18 if there was some time before or after I may visit
19 some classrooms before those meetings, if it was at
20 a GNETS location face-to-face.

21 Q The meetings you have coming up, what's
22 the purpose of those meetings?

23 A To provide GaDOE updates, technical
24 assistance. Those operational pieces.

25 Like the one that's coming up, we'll do

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1 one in August. I will have Data Collections come
2 because GNETS provides -- GNETS directors have to
3 work with the LEAs in doing those FTE reporting
4 coding times. So I'll have someone come and report
5 on that.

6 But I believe I have someone coming from
7 PBIS. TKES and LKES comes. I've had someone from
8 assistive technology come for any students who may
9 need -- for the GNETS directors to share with their
10 teachers, updates on assistive technology.

11 I've had budget staff present from a
12 budget and how GNETS is funded.

13 Some others. Transition planning, I've
14 had someone come and present on that. I plan on
15 having them come again.

16 Q So all of these folks would join you on
17 your visit?

18 A No. During the meeting -- for directors
19 meetings.

20 Q During director meetings?

21 A Yes.

22 Q I'm curious about the upcoming visits.

23 A I'm sorry.

24 Q That's okay. What's the purpose of the
25 upcoming visits?

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1 A One, we haven't been out there to visit,
2 to see the work that's being implemented. So the
3 purpose is to go and visit the site.

4 One, looking at facilities, making sure
5 kids are in safe and healthy facilities and to
6 observe what's happening.

7 Q Do you provide feedback after these visits
8 about what you've observed?

9 A Um, I'm trying to think.

10 The directors are there with us as we
11 visit classrooms. I cannot recall right now if
12 there was something specific about what I was
13 observing that I provided some feedback right there
14 on the spot for something. But I can't recall any
15 visit where I had to provide any feedback right
16 there.

17 Q Or commentary after being in a room and
18 observing?

19 MS. JOHNSON: Objection.

20 A No, I haven't done any commentary.

21 Q When you visit, do you also speak to the
22 teachers?

23 A If they're providing instruction, no. I
24 don't interrupt instruction, no.

25 Q If they're not providing instruction, is

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1 there a conversation with teachers or staff?

2 A Not that I can recall, because I'm -- I
3 mean I'm not typically in there for long periods of
4 time. It's kind of observe and then I'm out.

5 Q How long is a visit, usually?

6 A I may be in a classroom probably five, six
7 minutes or so. I'm not in there for long periods of
8 time.

9 Q You mentioned that you look to ensure that
10 the facilities are helpful and safe?

11 A Ensuring that classrooms -- you know --
12 well, that there's -- the room looks safe. You
13 know, no things hanging from the wall or nothing,
14 you know, in the way that could -- something in the
15 floor or whatever.

16 I'm just conscious, looking at it to make
17 sure it looks like a safe classroom.

18 Q Have you seen any facilities that had
19 unsafe features?

20 A I have not. I've not.

21 Q Do you advise the directors of any
22 recommendations after a visit?

23 A Regarding the facilities?

24 Q Regarding the program in general.

25 MS. JOHNSON: Objection.

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1 A Through the strategic plan, if they're --
2 as we go through that and review what they have done
3 in their self-assessment, and then we kind of look
4 at what they've presented, we may provide feedback.

5 For example, if you say this is emerging,
6 kind of tell us what you're doing to get that to
7 operation. That would be kind of an example of
8 that.

9 Q When you visited GNETS programs, do you
10 take note if the centers have playgrounds?

11 A Yeah -- I mean mental notes, yeah, I've
12 done that. Uh-hum.

13 Q What about music rooms?

14 MS. JOHNSON: Objection.

15 A I have not -- Haven, I did observe a music
16 therapist there.

17 Q When you visit, have you looked for art
18 rooms?

19 MS. JOHNSON: Objection.

20 A I have not observed art rooms that I can
21 recall.

22 Q Science labs?

23 MS. JOHNSON: Objection.

24 A I can't recall at this time science labs.

25 Q Is this information that you've collected

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1 from the regional GNETS programs?

2 A No.

3 Q At school-based locations, when you
4 visited, have you made note of whether the GNETS
5 classrooms are in separate wings?

6 A I'm trying to think if there was any --
7 MS. JOHNSON: Objection.

8 A I don't recall any being separate. I'm
9 trying to think.

10 Q Have you observed GNETS students entering
11 and exiting through different entrances?

12 MS. JOHNSON: Objection.

13 A I have not.

14 Q What type of information is uploaded into
15 the GaDOE portal?

16 A The grant application, and that grant
17 application is aligned with the focus areas, the
18 strategic plan. So there's the personnel piece
19 uploaded in there. Location is uploaded in there.
20 Any behavioral or therapeutic supports that they're
21 providing for their students, any instructional
22 supports that they're providing for their students
23 is uploaded in there. Restraint data is in there.

24 Q Is this your main way of receiving data
25 from the regional GNETS programs?

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1 A As far as the strategic plan
2 implementation piece, yes, I get that through that.

3 Q I know we discussed the therapeutic
4 service logs for the eleven programs that received a
5 grant, correct?

6 A Uh-hum. (Affirmative.)

7 Q Do you receive monthly service logs for
8 other GNETS programs?

9 A I do not.

10 Q Do you track therapeutic services related
11 to the other GNETS, regional GNETS programs?

12 A I don't track it but if they're -- when we
13 have done strategic plan reviews, that is
14 information that they share. They share therapeutic
15 supports that they provide. And also mental health,
16 collaboration with mental health -- mental health
17 providers in the community. They share that
18 information with us in those meetings.

19 MS. TUCKER: I'd like to introduce
20 Plaintiff's Exhibit 386.

21 (WHEREUPON, Plaintiff's Exhibit-386 was
22 marked for identification.)

23 MS. TUCKER: The Bates number on the
24 bottom of the document is GA00364535.

25

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1 BY MS. TUCKER:

2 Q It's an email from you to the regional
3 GNETS program directors, with a date of December
4 2nd, 2020.

5 Mrs. Cleveland, do you recognize this
6 email?

7 A The email is from me. Yes.

8 Q You recognize it?

9 A Uh-hum. (Affirmative.)

10 Q Okay. Am I correct that you are
11 requesting IEP file reviews in this email?

12 THE WITNESS: Melanie, that was
13 privileged.

14 MS. JOHNSON: Can we have a quick side-bar
15 outside? Thank you.

16 MS. TUCKER: Thank you.

17 MS. JOHNSON: Off the record.

18 THE VIDEOGRAPHER: Off the record at 2:41
19 p.m.

20 (A recess was taken.)

21 THE VIDEOGRAPHER: We're back on the
22 record at 2:46 p.m.

23 MS. JOHNSON: So I'm going to instruct the
24 witness not to answer any questions about this
25 document or the subject matter contained in

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1 this document that was inadvertently produced
2 and we're claiming privilege to this.

3 MS. TUCKER: By subject matter, can you be
4 specific?

5 MS. JOHNSON: Sure. The subject matter
6 within this, this email.

7 MS. GARDNER: What type of privilege are
8 you asserting?

9 MS. JOHNSON: Attorney-client privilege
10 and work product.

11 BY MS. TUCKER:

12 Q Mrs. Cleveland, what is BASC-3?

13 A The BASC-3?

14 Q Yes.

15 A That's Behavioral Assessment Scale for
16 Children.

17 Q Do regional GNETS programs provide you
18 with information related to the BASC-3?

19 A They do not provide it to me. In a
20 strategic plan review, though, they may share their
21 BASC-3 data up under the therapeutic services area.

22 Q Do you look at it as part of the strategic
23 plan review?

24 A Yes. They will show their logs of where
25 they've assessed children and where they fall in the

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1 different areas -- in the different areas.

2 Q What do you look for?

3 A I don't have anything specific that I'm
4 looking for. They're sharing their assessment data
5 with me, the results from they've assessed these
6 numbers of kids, and this is their data.

7 Q Is this used for students outside the
8 GNETS program as well?

9 A I'm not sure. I don't know.

10 Q What is detailed in this reporting in the
11 strategic plan?

12 A What's detail -- repeat your question.

13 Q What does -- what is detailed in the
14 strategic plan related to BASC-3?

15 A It's in the therapeutic -- behavioral
16 therapeutic assessments. It talks about different
17 assessments that could be implemented, and that's
18 one of them, and that's one of the -- that's one of
19 the pieces of data that they may share when we do
20 their review.

21 Q Is there a license required to access
22 BASC-3?

23 A That's, that's paid for through contract
24 through the State, and, yes, they to have to be
25 given a license to access it.

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1 Q GaDOE pays for the BASC-3 licenses?

2 A We do.

3 Q What about SDQ?

4 A That's a strength and difficulty
5 questionnaire. It's another assessment tool that
6 they can use to look at behavioral strengths and
7 weaknesses for a student, and they assess the
8 students and get data from that to inform
9 programming.

10 Q How frequently do the regional GNETS
11 programs provide you with SDQ data?

12 A That's data that they collect locally, and
13 we may review that data, do reviews, but we can --
14 with the BASC, if I need to go in and see a report,
15 there's a reporting piece I believe through the
16 BASC, but I don't collect that data but I do discuss
17 it with them in their review.

18 Q What do you discuss?

19 A Just the results. Ask them to show us
20 what kids they assessed and what -- whatever their
21 data collection piece is, tool, what they're using
22 for these students that they've assessed, they share
23 that document with us.

24 Q Are all students not assessed?

25 A I'm not sure. I don't know.

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1 Q What do you look for when you receive this
2 data if you are then discussing it with them?

3 A If they're sharing the data, I look at
4 that and it may indicate -- it just shows areas of
5 difficulty for kids and I'm able to see the number
6 of kids, and it's pretty much a summary of the
7 results of the assessment, and I just look at what
8 they share with that.

9 Q Is the data captured at a student level?

10 A Yes.

11 Q And is there a license required to access
12 SDQ?

13 A That, and it's another -- GaDOE takes
14 place for that. There's no -- they have an ask they
15 can access, but there's not a license -- it's not
16 through licensing.

17 MS. TUCKER: I'd like the court reporter
18 to mark this document as Plaintiff's Exhibit
19 387.

20 The Bates number on the first page of this
21 exhibit is GA00363542.

22 (WHEREUPON, Plaintiff's Exhibit-387 was
23 marked for identification.)

24 BY MS. TUCKER:

25 Q This is an email from Lakesha Stevenson to

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1 you, that she forwarded, and the date is November
2 2nd, 2020, with the subject as "form," F-O-R-M.

3 Mrs. Cleveland, do you recognize this
4 email?

5 A I'm looking through it.

6 Q Okay. Take your time.

7 (Witness reviews exhibit.)

8 A This is a form for the previous --

9 MS. JOHNSON: We're going to go ahead and
10 assert the same privilege on this document.

11 If we could take like a 15-minute break,
12 we may be able to clear this all up.

13 MS. TUCKER: Yeah.

14 MS. JOHNSON: I can't say for certain that
15 it will, but it may just help streamline the
16 process.

17 MS. TUCKER: Thank you.

18 THE VIDEOGRAPHER: Off the record at 2:54
19 p.m.

20 (A recess was taken.)

21 THE VIDEOGRAPHER: Back on the record at
22 3:19 p.m.

23 MS. JOHNSON: We don't have any objection
24 to this document. We'll just take the
25 questions question by question as to whether

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1 there's any objection to privilege.

2 MS. TUCKER: Thank you.

3 MS. JOHNSON: Would you remind me which
4 Bates number we're on?

5 MS. TUCKER: The document starts at
6 GA00363542.

7 MS. JOHNSON: Okay.

8 MS. TUCKER: And this is Plaintiff's
9 Exhibit 388 -- or 387.

10 A So we're still on this?

11 Q Yes. We'll go back to that. Thank you,
12 Mrs. Cleveland.

13 Mrs. Cleveland, you recognize this email?

14 A The email -- top part, where it was
15 forwarded to me?

16 Q Yeah.

17 A Yes.

18 Q And when you received it, you looked at
19 the bottom part of the email as well?

20 A Yes.

21 Q Do you see -- who's Joanna Mock?

22 A Joanna Mock is the GNETS director for
23 Heartland Academy program.

24 Q Am I correct Joanna Mock is emailing the
25 other regional GNETS directors?

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1 A Yes, it looks like that.

2 Q Your colleague, Lakesha Stevenson, is
3 cc'ed?

4 A Yes.

5 Q And you see in Joanna Mock's email where
6 she writes: I wanted to share with you a form that
7 Whitney" -- in parentheses "(Cedarwood) developed
8 for us to help with the collection of student data
9 that Vickie has requested."

10 Do you see that?

11 A I do, yes.

12 Q Great.

13 A I'm sorry. I was reading.

14 Q Do you need a moment to read?

15 A No, I'm good.

16 Q Okay. What had you communicated and asked
17 from the regional GNETS directors?

18 A I had asked for the content of this
19 document that looks like from the email Whitney
20 developed.

21 Q Am I correct that you're referring to the
22 content identified in the document starting in the
23 attachment with Bates GA00363545?

24 A Yes.

25 Q Okay. And when did you request this data

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1 from the regional GNETS programs?

2 A I don't know the specific date. Probably
3 fall of 2020. I don't remember a specific date. It
4 was around this date on here -- I don't know the
5 exact date.

6 Q Okay. Do you think it was close in time
7 to November 2nd, 2020, when Joanna wrote this email?

8 A Yes.

9 Q Okay. How did you communicate this
10 request to the regional GNETS directors?

11 A I can't recall if -- was it the email that
12 went out? I can't recall if it was an email because
13 I see this email, or if it was in a meeting that we
14 were going to ask they provide information.

15 THE COURT REPORTER: Could you please
16 speak up.

17 A I'm just thinking through it.

18 I'm thinking it was through an email
19 requesting that information. I'm thinking. I'm not
20 for sure.

21 Q What did you tell the regional directors
22 of why you were collecting this document, email?

23 MS. JOHNSON: Objection, and I instruct
24 you not to answer.

25 MS. TUCKER: What privilege are you

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1 asserting?

2 MS. JOHNSON: Work product.

3 MS. TUCKER: So we're going to be happy to
4 follow up with you on the phone or in writing
5 because it seems like you're asserting work
6 product privilege and other privileges for
7 communications between GaDOE and a regional
8 GNETS program, and you've also asserted that
9 you-all don't represent the regional GNETS
10 programs.

11 MS. JOHNSON: Correct. Just to clarify,
12 I'm not intending to assert any privilege
13 regarding the communications. I understood
14 your question to be what her purpose in asking
15 the GNETS directors for the information was.

16 MS. TUCKER: I was asking what she
17 communicated to the regional GNETS directors
18 when collecting this document.

19 MS. JOHNSON: Okay.

20 MS. TUCKER: Or collecting this
21 information.

22 MS. JOHNSON: Sure.

23 So you may answer what you communicated to
24 the GNETS directors in requesting this
25 information.

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1 A Because this document, it looks like it
2 was created by the director. But my communication
3 was information on IEP file reviews.

4 Q What did you tell the regional GNETS
5 directors regarding your request for information?

6 A To review their files in light of the
7 information on this form. IEP file review. To
8 review their files based on this information
9 checklist.

10 Q Did you provide a reason for why you were
11 requesting this information?

12 A No; just that it was an IEP file review.

13 Q Okay. And how long did you give the
14 regional GNETS programs to respond?

15 A I don't recall the timeline.

16 Q Okay. Let's turn to the attachment, which
17 is the form at the top which says, "GaDOE Student
18 Information Checklist."

19 Did you request during the file review for
20 the GNETS student's name -- or the GNETS' name?

21 A Yes.

22 Q Do you think this refers to a GNETS
23 student name?

24 A The program name.

25 Q This refers to the program name? How does

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1 that work then if No. 2 is requesting the age?

2 A I'm sorry, I want to make sure I -- it
3 says GNETS name.

4 It looks like that is the name of the
5 GNETS program, because it -- down here it talks
6 about GTID, which would identify a student.

7 Q Okay. So No. 1, you request the regional
8 GNETS programs to look through their IEP files and
9 include the GNETS name?

10 A Yes.

11 Q And then age of the student?

12 A Uh-hum. (Affirmative.)

13 Q Grade of a student?

14 A Yes.

15 Q The last four of the GTID?

16 A Yes.

17 Q What is a GTID?

18 A It's the Georgia identification number for
19 students, enrolled in Georgia schools.

20 Q The date of GNETS entry?

21 A Yes.

22 Q The reason for GNETS placement?

23 A Yes.

24 Q The primary eligibility?

25 A Yes.

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1 Q The medical diagnosis?

2 A Yes.

3 Q The secondary eligibility?

4 A Yes.

5 Q Whether the student's record indicated
6 that they were unable to receive FAPE in a lesser
7 restrictive environment?

8 A Yes.

9 Q Am I correct that you also asked for
10 additional documentation if an answer was yes to
11 that question?

12 A Yes.

13 Q Whether the student had an FBA prior to
14 GNETS services?

15 A Yes.

16 Q You asked for the FBA date upon entry?

17 A Yes.

18 Q The current FBA date?

19 A Yes.

20 Q Whether the student had a BIP prior to
21 entering GNETS?

22 A Yes.

23 Q The current BIP date?

24 A Yes.

25 Q Whether a comprehensive reevaluation was

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1 completed within the last three years?

2 A Yes.

3 Q Their most recent IEP review date?

4 A Yes.

5 Q Whether an IEP meeting included a GNETS
6 director or their designee?

7 A Yes.

8 Q Whether the student has an IEP goal for
9 behavior?

10 A Yes.

11 Q And you asked for each therapeutic service
12 to be identified that a student receives?

13 A Yes.

14 Q And am I correct that you asked the next
15 questions related to the continuum of GNETS
16 services, delivery and environments?

17 A Uh-hum. Yes.

18 Q You asked -- you asked whether the IEP
19 considered -- the IEP team considered the general
20 education setting in the student's own school or
21 public school?

22 A Yes.

23 Q Whether the IEP considered a pullout from
24 the general education setting as part of their
25 school day in a zoned school or other public school?

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1 A Yes.

2 Q Whether the IEP team considered the
3 student's zoned school or other public school as
4 part of the school day in a setting dedicated to
5 GNETS?

6 A Yes.

7 Q Whether the IEP team considered the
8 student's zoned school or other public school for
9 the full day in a setting dedicated to GNETS?

10 A Yes.

11 Q Whether the IEP team considered a facility
12 dedicated to GNETS for part of the school day?

13 A Yes.

14 Q And did the IEP team consider a facility
15 dedicated to GNETS for the full school day?

16 A Yes.

17 Q Do you recall if you asked for any
18 additional information?

19 A I do not recall asking for any additional
20 information.

21 Q Was this information requested for all
22 GNETS students?

23 A Yes.

24 Q For a certain school year or for a period
25 of years?

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1 A I believe it was for the most recent --
2 current, recent -- or current school year when we
3 requested the data.

4 Q So given the email is dated November 2nd,
5 2020, am I correct that you were referring to the
6 2020 to 2021 school year?

7 A Yes.

8 Q And did you review the data that you
9 received?

10 MS. JOHNSON: You can answer whether you
11 reviewed data received from the directors,
12 whether you personally did.

13 A Some data but not all the data. I have
14 not had the opportunity to review the data, all the
15 data.

16 Q Which data did you elect to look at at
17 this time?

18 A It was -- we were looking at going through
19 and reviewing it for all the GNETS that had
20 submitted the data, probably looked at a couple of
21 files but have not had an opportunity to dig in to
22 the data.

23 Q Okay. Have you requested this information
24 again for the next school year?

25 A I have not.

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1 Q And I think I asked this. Did they have a
2 deadline to complete the information requested?

3 A I don't recall the deadline. I would have
4 to -- but I don't recall. I can't recall right now
5 a deadline.

6 Q Is there any other data that GaDOE
7 regularly collects from the regional GNETS programs
8 that we haven't discussed yet?

9 A We talked about therapeutic services, the
10 information we get. Of course, the student record
11 file we get.

12 I can't think of any -- at this moment
13 recall any other data that I get from Data
14 Collections and therapeutic services information.

15 Q Thank you. You've referenced the GNETS
16 Strategic Plan a few times during our conversation
17 today?

18 A Uh-hum. (Affirmative.)

19 Q Remember the yeses and nos.

20 A Yes.

21 Q What is the purpose of a GNETS Strategic
22 Plan?

23 A The strategic plan serves as a framework
24 for the implementation of services throughout the
25 network. Those six focus areas are included in the

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1 strategic plan. Again, it's a framework to guide
2 the work for the network.

3 Q How did it originate?

4 A History before my tenure, I know that
5 there was a revision in 2016.

6 2019 we've did an update, Lakesha and I
7 with some of the directors, stakeholders, children
8 stakeholders. We updated -- I'm not sure
9 historically where it originally came from, but I do
10 know, as I was coming in and Nakeba was moving out
11 of the position, it was in place. Again, we did
12 another update in 2019.

13 Q Did you make many changes in 2019?

14 A Not many changes. We did reduce the focus
15 year from seven to six. We combined program
16 leadership and accountability into that first focus
17 area because some of the information and the
18 activity was some of the same, kind of asking the
19 same questions. If we were doing a review, it may
20 be that we were seeing the same artifacts presented.

21 So we decided to, with input from the
22 directors and the stakeholders, to combine those two
23 areas, but those were the only big changes, went
24 from seven to six focus areas, but a lot of the
25 other content pretty much stayed the same, just a

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1 few revisions here and there.

2 Q And that was you and Lakesha?

3 A We led it. We also had GNETS directors be
4 a part of that.

5 We got feedback in a directors meeting
6 from all the directors. Hey, here is Section 2 of
7 the strategic plan, we'd like your feedback, and we
8 got their feedback. And then this team -- Lakesha,
9 not a team, and directors came together to finalize
10 what some of those revisions would be, but not major
11 revisions.

12 Q Thank you.

13 How often are the strategic plans
14 completed by the regional GNETS programs?

15 A They should -- that's the framework, so
16 they use those each year. That's that
17 self-assessment piece where they do a
18 self-assessment on their implementation of the
19 framework, and they do one in the fall and then they
20 do one at the end of the year.

21 Q Let's walk through the steps related to
22 the GNETS strategic plan as if I was a regional
23 GNETS director.

24 A Okay.

25 Q So you mentioned that there's a

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1 self-assessment in the fall?

2 A Yes.

3 Q What does that entail?

4 A They take the strategic plan, which has a
5 rubric built within it, and they go through the
6 different activities and they rate themselves. It's
7 a self-assessment piece. For this specific
8 activity, are we operational on this activity, is it
9 emerging in our practices or do we see it's not
10 evident.

11 So with that self-assessment, they then
12 use that data and they work with their local teams
13 to say, for instance, if it's therapeutic services
14 section, we're not -- we're reviewing ourselves, our
15 self-assessment. We're not seeing these artifacts
16 of evidence of this implementation, and they then
17 meet as a team and work on ways to get to that place
18 of trying to get all of the activities moving to
19 operational.

20 Q What are the ratings?

21 A Operational, emerging, and not evident.

22 Q With operational being the highest?

23 A Yeah, that they are able to go through
24 that rubric and they can see what the activities
25 that are outlined in the framework, that they're

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1 implementing those activities.

2 Q So that happens during the fall semester.
3 Is there a deadline to which they have to complete
4 that self-assessment?

5 A Most -- some will do it in early -- in
6 October, but most get it done by December, so that
7 they then can be ready to do their end of year. End
8 of year.

9 Q Do you receive the fall self-assessment?

10 A I get those at the end of the year as part
11 of their strategic -- I mean grant application.
12 That is one of the required attachments that we ask
13 for.

14 Q So you receive it in the grant
15 application?

16 A Yes.

17 Q Do you receive it when you receive their
18 end of the year self-assessment?

19 A They're both submitted at the same time.

20 Q With the grant application?

21 A With the grant application.

22 Q So the GNETS Strategic Plan
23 self-assessment is not --

24 MS. TUCKER: Scratch that.

25

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1 BY MS. TUCKER:

2 Q Is the GNETS Strategic Plan
3 self-assessment submitted independently at the end
4 of the year to you?

5 A Yes. Each GNETS director submits that.

6 Q And about what time of year at the end?

7 A This year we changed that the grant
8 applications had to be in by May 31st.

9 Q So it's always an attachment to the grant
10 application?

11 A That part of it. A lot of change process
12 -- and processes. Some changes.

13 This -- for this past year, it was part of
14 the end of year grant application process. They had
15 to submit that. And now we -- our next steps would
16 be to now schedule time, visits to go, or virtual
17 meetings to talk to them about their end of year
18 ratings and how their teams landed there.

19 And then there's a self-assessment
20 summary, once they've done those ratings, their end
21 of year, and they see kind of the different focus
22 areas, hey, we're operational here, we're kind of
23 still emerging in this, emerging in this area. They
24 then rank for priorities. They rank the priorities
25 for the different focus areas. What's the No. 1

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1 area for you, what's the No. 2 area for you.

2 And we'll have conversations with them
3 about how they rank themselves, and they'll share
4 how they kind of landed with their ratings.

5 MS. TUCKER: I'd like the court reporter
6 to mark this document as Plaintiff's Exhibit
7 388.

8 (WHEREUPON, Plaintiff's Exhibit-388 was
9 marked for identification.)

10 BY MS. TUCKER:

11 Q This is an email from you to Zelphine
12 Smith-Dixon and Shaun Owen. The date is August
13 28th, 2020, and the subject is updated revisions to
14 the strategic plan, and there's one attachment.

15 Again, it's GA00362004.

16 Mrs. Cleveland, do you recognize this
17 email?

18 A Yes. Yes.

19 Q And then let's turn to the second page,
20 which is with Bates GA00362005.

21 Am I correct that this is a document
22 titled "Georgia Network for Educational and
23 Therapeutic Support, Strategic Plan"?

24 A Yes.

25 Q "Implementation Fidelity Checklist &

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1 Self-Assessment Rubric"?

2 A Yes.

3 Q Am I correct there is a GaDOE logo and
4 there is an updated date of 1/28/2020?

5 A Yes.

6 Q Do you recognize this document?

7 A Yes.

8 Q Is this the document we were just speaking
9 about?

10 A Yes.

11 Q So who drafted the document?

12 A This is with the revision we mentioned
13 earlier. We met with GNETS directors in November of
14 2019, and Lakesha and I worked on the edits,
15 recommendations from GNETS directors and from us on
16 things to update.

17 Q Am I correct then, looking at Page 2,
18 using the page number at the top -- at the bottom,
19 towards the bottom there is bold that says, "GNETS
20 Strategic Plan Committee (11/19/2019)"?

21 A Yes. That's the group of staff that
22 worked on it, yes.

23 Q Just to clarify, that's the group of staff
24 that worked on the 2019 revisions of the --

25 A Yes --

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1 Q -- GNETS plans?

2 A GNETS directors.

3 Q Great.

4 A And then, of course, as I mentioned
5 previously, other directors. We just got their
6 feedback in a directors meeting. But this group
7 came back with the feedback from everyone to look at
8 doing the update.

9 Q And you and Lakesha Stevenson are also
10 part of that committee?

11 A Yeah, we met with them.

12 Q And helped with the drafting and creating?

13 A Yes, the edits.

14 Q Do you distribute this strategic plan and
15 self-assessment rubric to the regional GNETS
16 programs?

17 A Yes. They have a copy and it's also on
18 our website.

19 Q Do you provide trainings on the strategic
20 plan and self-assessment?

21 A We have provided trainings. As a matter
22 of fact, with the updates there was a training
23 provided when the changes changed. For example, the
24 change of combining program leadership and
25 accountability into one section. So we did provide

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1 training to all the GNETS directors on those
2 different changes.

3 Q On the first page am I correct there are
4 six focus areas listed?

5 A Yes.

6 Q And these were the focus areas you were
7 referring to earlier?

8 A Yes.

9 Q What is meant by a focus area?

10 A This plan, what's in place. Upon me
11 entering into this role, the focus area are the
12 areas that are used in the framework that they --
13 that they implement this framework in.

14 Q Let's turn to page -- let's see.
15 Are you on Page 7?

16 A Uh-hum. (Affirmative.)

17 Q Great.

18 A Yes.

19 Q Okay. Can you walk me through this
20 Section 1, Program Leadership and Accountability
21 framework? What would I do if I was a regional
22 GNETS director?

23 A You would look at these action items and
24 then implementing the framework or working within
25 the framework, as you looked at the action item,

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1 you're looking at the standard over here. Based on
2 your information and artifacts you've collected
3 during the year, you would look to see how would you
4 self-assess yourself with that activity for Section
5 A.

6 Directors will promote and remain aware of
7 the strategic plan. Do you rate yourself as
8 operational, emerging, or not evident in that area,
9 and that would be the process for each of the areas'
10 activities.

11 Q And would this same document be used in
12 the fall as well as the end of year for the
13 self-assessment?

14 A Yes.

15 Q Do you provide guidance on what is -- what
16 meets operational or emerging or not evident?

17 A It's, it's a self-assessment. So they,
18 they rate themselves. And as we get ready to go --
19 when we did reviews, when they were face-to-face,
20 they could share what they have. We would look at
21 that information and artifacts that they provided.
22 They've done their rating and we may do a rating of
23 what we see that they provided, and that would be
24 the feedback process.

25 Q Got it.

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1 A Changed to.

2 Q So what, what are you -- what are the
3 regional programs and GaDOE looking for within
4 program leadership and accountability?

5 A These things that are outlined here, some
6 of these things, because this is the framework that
7 they are using to implement the services.

8 Q At the top of the page do you see where it
9 says, "Goal 1: By the end of the school year, GNETS
10 directors will implement 85% of the strategic plan
11 focus areas at an operational level"?

12 A Yes.

13 Q How is that implementation monitored?

14 A Through these ratings. If they're saying
15 they're implementing this and these are their
16 ratings, when we -- in the past when we did the
17 reviews, they've done their self-assessments. We
18 come in and we do rating, too, based on what they
19 shared as far as their implementation of the
20 framework, and then come to just a mathematical
21 calculation on operational, how these presented --
22 how these activities, are you at that 85 percent or
23 higher.

24 Q So I think you hit on my question. Where
25 does the math focus in with these -- with these

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1 terms, operational, emerging, and non-evident?

2 What's the formula?

3 A It's just taking the percentage of it. If
4 they're -- these four areas, how many of these areas
5 are you operational in out of the total areas.

6 Q So it's looking at -- okay, got it.

7 Let's move on to focus area two on the
8 next page, Behavior Support and Therapeutic
9 Services.

10 How would you describe this focus area?

11 A This focus area is taking a look at within
12 the framework how are they implementing the
13 activities that are outlined here.

14 PBIS, it has examples of things that --
15 you know, this is not a definite list of things that
16 they can show implementation of this focus area.

17 Looking at these activities, are you
18 training your staff? Are you posting rules and
19 expectations for PBIS? Are you teaching all
20 students and rules?

21 It's looking at PBIS is an area activity,
22 action item. Trauma informed care practices, if
23 they have those practices being implemented in their
24 GNETS program, FBA/BIP team that meets at each site
25 three times a year.

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1 And ensure students social and emotional.
2 This one has quite a few action items.

3 So as they -- as they implement this
4 framework, these are things we're looking at within
5 their programming. Are you implementing these
6 action items, and to what standard within the
7 rubric.

8 Q So at the top of Goal 2, it says:
9 "Throughout the school year, 100% of GNETS programs
10 will demonstrate highly reliable evidence of
11 implementing 'evidence based' behavioral support and
12 therapeutic services for all students at an
13 operational level."

14 Do you see that?

15 A I would need to have their ratings in
16 front of me. I can't definitively say, but I can
17 see when I do the reviews if they're implementing
18 that or not at that level. I don't know the
19 numbers.

20 Q So what happens if a regional program did
21 not meet a hundred percent?

22 MS. JOHNSON: Objection.

23 A There's conversation, okay, you didn't
24 meet this action item at operational. What is your
25 team working on to do -- you know, working to

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1 implement to get to that place?

2 And the last part of the strategic plan,
3 it has that summary. So these areas where they may
4 not be meeting at operational, you know, at a
5 hundred percent, or meeting any of the action items
6 at 100 percent, that's where the local team writes
7 their priorities of areas that they need to work on,
8 areas of improvement.

9 Q If a program was to not receive a hundred
10 percent, would you then look differently at this
11 portion the following year?

12 MS. JOHNSON: Objection.

13 A We would definitely want to have follow-up
14 conversation. Hey, you didn't meet this action item
15 a hundred percent, what has the local GNETS put in
16 place to meet that.

17 Q When would you have those conversations?

18 A Typically, when we did them before, when
19 we were face-to-face, we would have those
20 conversations then. Because, remember, they have
21 done their self-assessment. They're then sharing
22 with us what they have implemented, and that
23 conversation could come up in their strategic plan
24 review.

25 You're emerging here, you know, how --

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1 what are you going to be doing to get this to
2 operational.

3 Q Who's involved in those conversations?

4 A Lakesha and I do -- have done the
5 strategic plan reviews in the past. Whether we were
6 doing them together or I was doing one or she was
7 doing one, the districts, we would be in those
8 conversations.

9 Q Can a program still be funded through the
10 GNETS grants if they don't meet these goals?

11 A Yes, the grant. Yes, they receive the
12 grant.

13 Q Are other steps taken in addition to the
14 conversations and further monitoring if they do not
15 meet the goals identified in the strategic plan?

16 A Say the question again.

17 Q Sure. They're various goals in the
18 strategic plan, correct?

19 A Right.

20 Q You mentioned that if a regional program
21 does not meet it, you have conversations about what
22 steps to take --

23 A Or they share with us.

24 Q -- or they share with you.

25 What other steps are taken by GaDOE?

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1 A None other -- no other steps that I'm
2 aware of, within that feedback.

3 Q Let's move to the next page, on Section 3,
4 Instructional and Academic Support.

5 How would you describe this focus area?

6 A This looks like the instructional
7 implementation -- implementation of instruction
8 within a program. Of course, Action Item A,
9 teachers should plan to teach the Georgia
10 performance standards.

11 Ensure teachers maintain a positive and
12 academically challenging learning environment,
13 demonstrate difficulties are matched to tiered
14 interventions, GNETS certified and classified staff
15 will attend any instructional related trainings by
16 GaDOE, the RESAs, LEAs, or conferences.

17 And then the activities are outlined here.
18 Like for Section A, teach trainings, teacher
19 coaching, anything that's offered through their LEAs
20 that they could be a part of.

21 Q Thank you. At the goal -- you see where
22 it says Goal 3 at the top?

23 A Yes.

24 Q And where it says, "All instructional and
25 academic activities required for students to be

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1 successful and make adequate academic growth will be
2 implemented as an operational level."

3 Do you see where it says that?

4 A Yes.

5 Q What qualifies as an instructional and
6 academic activity?

7 A That's the -- some of the activities that
8 are outlined here.

9 Q Okay.

10 A When they're sharing their evidence,
11 lesson plans that reflect teaching of the Georgia
12 performance, iReady monitoring, which we spoke about
13 earlier.

14 Q Do you have criteria to determine what is
15 adequate academic growth or success that you provide
16 them?

17 A I do not.

18 Q You mentioned earlier that you also
19 provide a score. Is that correct, as GaDOE?

20 A A score?

21 Q On the strategic plans.

22 A We have provided -- well, the process has
23 changed. Let me go back a little here.

24 My first year, maybe the year before, a
25 score was provided for implementation. We moved

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1 from providing a score, percentage score, to looking
2 at just the rubric feedback, and our feedback became
3 -- after we reviewed what they shared, gave our view
4 of it, the artifacts that they shared, we ranked as
5 operational, evident -- or not evident -- emerging
6 or not evident, from what we could see that they
7 shared.

8 But you said a criteria? Could you
9 repeat?

10 Q I was wondering if you had criteria that
11 helped you assign that score?

12 A It's really looking for implementation.
13 These are the action items, these are some of the
14 type of activities we should see that reflect if
15 you're implementing this. And it was using the same
16 ratings, rubric ratings.

17 Q Do you still give those ratings?

18 A We paused strategic plan monitoring in
19 2020, just as cross-functional monitoring and -- as
20 the other did, because we couldn't get there.

21 We did not do those in the past two years,
22 but in the past we did do those ratings. We
23 provided the feedback to them for the different
24 sections, based on once they shared their data, what
25 our ratings were. We did share that.

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1 Q Just to make sure I understand. You
2 paused the strategic plan for school year 2019-20,
3 and 2020-21?

4 A 20-21.

5 Q What about 2019-20?

6 A We would have implemented reviews in 2020,
7 but we shut down in March. So some of those reviews
8 would have been done that year. So those were
9 paused for the remainder of the 19-20 year and we
10 didn't do them 20-21.

11 Q And when those were paused, do you mean
12 you paused giving ratings?

13 A No. We did not implement. We did not to
14 the reviews because we could not go out.

15 And monitoring was paused in Federal
16 Programs, too, so we kind of followed that.
17 Cross-functional monitoring was paused, too.

18 Q Did the regional GNETS programs still
19 complete a self-assessment?

20 A We did -- I can't recall if we got that
21 for 20 -- no, I know we didn't do it for 2020. We
22 just started our new process of them providing the
23 assessments in their 2021 -- I mean 20 -- FY23 grant
24 applications. They're submitting those.

25 Q Okay.

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1 A I'm not for sure. I don't know for sure.

2 Q So for -- to make sure I understand, for
3 next year's grant application, they will be
4 completing this school year a strategic review plan
5 self-assessment?

6 A The plan -- the plan is they've submitted
7 last year's summary, strategic plan review, and our
8 plan is, because we did not do the reviews during
9 the school year for 2020 -- what is this? 21-22 our
10 plan is to meet with them to review their summaries
11 for this past school year.

12 Q So not the full assessment but a summary?

13 A Correct. The summary of this year.

14 Q So this year, meaning school year
15 2022-2023, are regional programs back on track to
16 complete the self-assessment through the strategic
17 plan?

18 A They will do that anyway for the upcoming
19 new -- this current school year. When we meet with
20 them we're going to be looking at what they
21 submitted for the past school year, 21-22.

22 Q Got it.

23 A In these meetings we're planning to do in
24 the fall.

25 Q But come spring 2023, will you be having

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1 strategic plan review meetings, and will they be
2 submitting the self-assessment?

3 A We're talking through that planning
4 process now.

5 Q So it's not certain yet?

6 A Not yet.

7 Q All right. In the conversations that are
8 upcoming related to the strategic plan review
9 summary from last school year, will you and GaDOE
10 give the regional programs a rating?

11 A Still having discussion around that, for
12 this past year.

13 Q And what was the reason for the pause in
14 the strategic plan in 2020? Would it have been the
15 pandemic?

16 A It was. Other areas paused monitoring.

17 Q Do you provide feedback on the action
18 plans that the regional programs develop after the
19 strategic review?

20 A The summary action plans?

21 Q Uh-huh. (Affirmative.)

22 A I do not. They share that. This is their
23 assessment, and based on their data and how they
24 rated themselves, they determine what those priority
25 areas are going to be.

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1 Q And am I correct that you've just flipped
2 to Bates GA --

3 A I'm sorry.

4 Q -- 00362022?

5 A Yes.

6 Q So this is a sample self-assessment
7 improvement summary plan?

8 A Yes.

9 Q How long -- in the past, how long do the
10 strategic review plan meetings last?

11 A They could average three hours because we
12 would really go through the artifacts with them. So
13 approximately could be three hours. Two and a half,
14 three hours.

15 Q Circling back to the summary, does anyone
16 else at GaDOE receive these?

17 A No.

18 Q Just you and Lakesha?

19 A We receive them, yes.

20 Q Are they attached as part of the GNETS
21 grant application?

22 A Yes, the summaries are. Well, that's the
23 new process that I put in place this year.

24 Q Will the full self-assessment also be
25 attached this year, or just the summary?

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1 A We haven't finalized that for this year --
2 You mean for the reviews we're going to do -- for
3 the ones that we're going to review for their past
4 21-22 school year, it's just the summaries.

5 No, I have not made any decisions on what
6 that will look like for the next school year. Still
7 a lot of planning.

8 Q Who are you doing this planning with?

9 A I'll plan with my program specialist,
10 which is Lakesha, because we work in this work. And
11 of course I will share that with the special
12 education director, Wina.

13 MS. JOHNSON: Michelle, before we move on,
14 just to clean up the record, do you want to go
15 back to this document ending in 535? It was
16 one of the ones that we objected to, and just
17 to clarify the record, we withdraw the
18 objection to this document.

19 So to the extent you have any questions
20 about this exhibit, we can move forward with
21 that, just to lessen what we have to do on the
22 back end after today.

23 MS. TUCKER: Thank you. It's ending in
24 535?

25 MS. JOHNSON: 535. It was just this one

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1 pager.

2 MS. TUCKER: Okay. I will circle back to
3 that later. Thank you for letting me know.

4 MS. COHEN: You're referring to Exhibit
5 387, Melanie?

6 MS. JOHNSON: The Bates number ends in
7 535.

8 MS. COHEN: Right, yeah. GA00364535.

9 MS. JOHNSON: Yes.

10 MS. COHEN: Exhibit 386.

11 MS. TUCKER: Thank you.

12 I'd like the court reporter to mark this
13 document as Plaintiff's Exhibit 389.

14 The Bates number on the first page of the
15 exhibit is GA00337236.

16 (WHEREUPON, Plaintiff's Exhibit-389 was
17 marked for identification.)

18 BY MS. TUCKER:

19 Q This is a November 29th, 2018 email from
20 you to the regional GNETS directors with a cc: of
21 Lakesha Stevenson, and the subject is
22 "Presentation."

23 Mrs. Cleveland, do you recognize this
24 email?

25 A Yes.

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1 Q Am I correct that you say: "It was great
2 seeing everyone at GCASE and I hope you had a
3 restful Thanksgiving break."

4 What is GCASE?

5 A It's the Georgia council for
6 Administrators for Special Education, professional
7 organization for special administrators.

8 Q How often is GCASE?

9 A GCASE typically meets -- in November
10 there's a meeting and March.

11 Q And the regional GNETS directors attend?

12 A It's by choice. Some do attend and some
13 do not.

14 Q In the third sentence of the email you
15 write: "I have also attached the Strategic Plan
16 Review schedule for 2019."

17 Am I correct?

18 A Yes.

19 Q I'd love to turn to that attachment, which
20 starts with Bates GA00337238.

21 Tell me when you get there.

22 A I have it.

23 Q Do you recognize this chart?

24 A I do.

25 Q Did you create it?

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1 A I think Lakesha and I worked on it
2 together.

3 Q Am I correct this document includes the
4 on-site monitoring for the strategic plan reviews
5 for fiscal year '18?

6 A '18 or '19?

7 Q The first sentence it says, quote "On-site
8 monitoring visits" --

9 A I --

10 Q I'll just finish it for the record.
11 "On-site monitoring visits will be
12 completed based on ratings received from the FY18
13 Strategic Plan Summary Reviews."

14 Do you see that?

15 A Yes.

16 Q Thank you. So am I correct by looking at
17 this that programs that you visited in person versus
18 virtually, it was based on scores?

19 A Yes. This was how it was previously --
20 feedback was previously provided. This was in 2019
21 -- 2018, '19.

22 The previous process, because that process
23 has changed. We've now moved to just the rubric
24 ratings. We would take a look at each focus area
25 and look at rating based on percentages. If it's

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1 five activity action items were in that area, they
2 got four in operation on that area. That's an 80
3 percent rating.

4 So we were using a numerical rating, but
5 we all have been moved towards just feedback on
6 implementation based on the rubric.

7 Q So I'm correct that you moved from a
8 numerical rating to the operational, emerging --

9 A Yes.

10 Q -- not evident?

11 A Not -- rubric rating, yes.

12 Q That's what you referred to as the rubric
13 rating?

14 A Yes.

15 Q What led you to make that change?

16 A Just in discussion with the State
17 director. Not being able to have that conversation
18 to be able to know what the timeline was, but I
19 think initial conversations, and I don't know this
20 definitively, were to -- the ratings -- the
21 numerals were only looked at for three years.

22 So just in conversation with the State
23 director, we decided to move towards fidelity
24 implementation, using the rubric process versus
25 numerical.

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1 Q Am I correct then, where it says 2019
2 onsite monitoring, there is, there is nine regional
3 programs identified that you would visit in person?

4 A Yes, in '19, visit in person.

5 Q The other regional programs that aren't
6 included, the other 15, you visited those virtually?

7 A At this point we, we moved to trying --
8 not trying to do all 24 at one time in a school
9 year. With two people that was becoming challenging
10 to do all 24. So we came up with like a cyclical
11 rotation of eight to nine each year.

12 I'm thinking that's when we moved to this.

13 Q Is that your intended process for next
14 year?

15 A Yes. Moving to doing eight a year, and
16 then that would be cyclical, so it would continue to
17 rotate. That's our thinking, but nothing definitive
18 yet.

19 Q Are you saying that you would review
20 eight, or that you would visit eight?

21 A Visits could be just going to visit the
22 program. Review is reviewing the strategic plan.
23 And then that could be that while doing the
24 strategic plan, that could also involve a visit.

25 Q So am I correct that if I was a regional

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1 program director and it was an off-year of the
2 three-year cycle, would you look at the
3 self-assessment that my -- me and my program
4 completed?

5 A Because it's been paused, but moving
6 forward I would still want to see that, because it
7 is still part of the grant application.

8 Q Got it. Thank you.

9 I think we covered this, but just want to
10 confirm. For the summary action plans for the last
11 school year, are you doing all 24 programs?

12 A Yes. That's part of everybody's grant
13 application.

14 Q When you rate a regional GNETS program on
15 the strategic plan, do you communicate your rating
16 with the regional program?

17 A We have in the past, yes.

18 Q How long do you communicate that?

19 A One year we provided like a -- it's called
20 like a report that lists the different focus areas
21 and all of the action items, and it showed what our
22 rating was, and that was shared with them.

23 Q What year was that?

24 A I'm thinking the last time we did that was
25 2019, but I'm not -- I'm thinking it was 2019. I

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1 would have to look at it.

2 Q And then it's been paused?

3 A Yes.

4 Q Do you share your rating with others in
5 GaDOE?

6 A Not with other units. I have talked to
7 the special ed director about rating process and not
8 all -- not the ratings, no.

9 Q Am I correct you're referring to Wina Low?

10 A No. She has a -- she just came on board,
11 so she hasn't been a part of this. It was my
12 previous director, Zelphine.

13 Q Zelphine?

14 A Uh-hum. (Affirmative.)

15 Q In your conversations with Zelphine or
16 Lakesha regarding your ratings, have you raised
17 concerns at regional GNETS programs that you've had?

18 A If they were to have an area that's not
19 evident, we do follow up and say, hey, we looked at
20 the evidence that you shared or artifact that you
21 shared, can you tell us more about this. And, you
22 know, what are your plans to move from this rating
23 to operational.

24 Q Do you recall, how many GNETS programs do
25 you recall receiving not evident scores?

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1 A I don't recall many not receiving -- many
2 receiving not evident.

3 Q Have you seen not evident scores on a
4 self-assessment?

5 A We've looked at those now as part of the
6 grant application review, and I don't recall seeing
7 not evident.

8 Q Have you or GaDOE provided a not evident
9 score to a regional GNETS program on an action item?

10 A I don't recall providing that score, but
11 the feedback is there if I had to look at it.

12 MS. TUCKER: I'd like the court reporter
13 to mark this document as Plaintiff's Exhibit
14 390.

15 The Bates number on the first page of this
16 exhibit is GA00054562.

17 (WHEREUPON, Plaintiff's Exhibit-390 was
18 marked for identification.)

19 BY MS. TUCKER:

20 Q This is an April 24th, 2020 email from
21 you, Vickie Cleveland, to Shaun Owen and Zelphine
22 Smith-Dixon, and the subject is "Documents for
23 meeting tomorrow." And there are a few attachments.

24 Mrs. Cleveland, do you recognize this
25 email?

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1 A Yes.

2 Q Am I correct that you were sending these
3 documents in advance of a meeting that day?

4 A Yes, per the email.

5 Q Do you recall why you were meeting?

6 A Based on the attachments, it looks like it
7 was around fiscal assurances, and it looks like I
8 was sharing an upcoming presentation on GNETS
9 funding.

10 Q Thank you, Mrs. Cleveland.

11 I'd like to talk about that presentation,
12 which begins on GA00054567.001.

13 From the earlier email, this document was
14 titled, "GNETS FY20 Funding."

15 Do you recognize this presentation?

16 A I do.

17 Q Did you create it?

18 A Yes.

19 Q Have you created updated presentations to
20 cover the next fiscal years?

21 A We did a training in October I believe --
22 October of 2021 and I invited Geronald, our budget
23 liaison, to come present on budget, and I also had
24 Melissa Roberts, the program manager for Federal
25 Programs budgets -- special education budgets, come

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1 and present also.

2 Q Great. Let's turn to Page 4.

3 Are you there?

4 A Yes.

5 Q Am I correct that it read "GNETS FY20
6 Funding" on the side?

7 A Yes.

8 Q And that the State grant total is
9 \$62,285,243?

10 A Yes.

11 Q The Federal IDEA grant totaled \$7,910,000?

12 A Yes.

13 Q And then there are also -- funding from
14 local contribution and local fees?

15 A If they are LEAs, provides supports.

16 Q Thank you. That was going to be my
17 question.

18 So this is regarding LEA supports?

19 A Yes.

20 Q So would I be correct that the Fiscal Year
21 20 funding for GNETS was over 70 million?

22 A With the total of the state grant.

23 Q And the federal grant?

24 A Yeah.

25 Q Okay. Do you recall what the funding is

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1 this fiscal year?

2 A For FY23, the State grant is right at 53
3 million, and the federal grant is around \$7.5
4 million.

5 Q So it's decreased?

6 A Yes. And the funding for GNETS is driven
7 by enrollment. So if enrollment decreases, the
8 funding levels decrease.

9 Q So the numbers have gone down?

10 A Yes.

11 Q Which we discussed earlier?

12 A Yes.

13 Q Thank you.

14 Let's go to Slide 10. Am I correct -- are
15 you there?

16 A I am.

17 Q Am I correct that this reads "State
18 Allocation Per Program"?

19 A Yes.

20 Q Am I correct that this is state money
21 allocated to the regional GNETS programs?

22 A Yes.

23 Q And how is this determined?

24 A These are the allocations that I receive
25 from Geronald's office. I provide the student

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1 record numbers, which is driven by enrollment, and
2 his office calculates the allocation formula, and
3 then he provides these numbers to me.

4 Q And then the next slide, am I correct that
5 this is the federal money allocation per program?

6 A Yes.

7 Q And how is this calculated?

8 A This one is calculated on like -- in
9 enrollment bands, for example, ranges. They range
10 if you have less than a hundred kids or 250 to 300
11 kids. That's how their allocation is assigned.

12 Q Thank you.

13 A And the next page.

14 Q Got it. Thank you.

15 You've presented on this.

16 Let's turn to Page 13 -- or Slide 13.

17 A Okay.

18 Q Am I correct that this identifies the
19 Fiscal Year 20 contracts and grants?

20 A Yes.

21 Q Are these grants paid for with state grant
22 money?

23 A They are paid for with state grant money.
24 The State grant wants the formula and locations that
25 have been allocated to each GNETS. I am allocated a

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1 program manager's budget, and from that budget I can
2 do grants and contracts, and there's some of the
3 grants and contracts.

4 Q Great. And am I correct that the total
5 for these contracts and grants for Fiscal Year 20
6 was \$1,285,575?

7 A That's the estimate. What the actuals
8 are, once things are paid, could be a little less,
9 but most of the time it's what is budgeted.

10 Q Thank you.

11 Do you work on the contracts?

12 A I work -- I work with one of our
13 administrative assistants, previously. That's now
14 changed. We now have a coordinator that helps with
15 the contracts. But I get the scope of work, say,
16 from a vendor, pull the contract amount, and I then
17 provide that information to them just on a division
18 contract template, and then they work with the
19 grants -- I mean the contract office to get the
20 contracts, moving through the lines of approval, but
21 I provide the vendor information, what is the scope
22 of work, what is the purpose, and what's the cost.
23 Q Let's walk through the contracts on this
24 slide, starting with Curriculum Associates. Do you
25 see that?

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1 A Yes.

2 Q This is the iReady that we discussed?

3 A Yes, and that's a grant.

4 Q And this was academic/remedial
5 programming?

6 A Yes, the reading and math, remedial.

7 Q The next contract paid for with the state
8 grant is -- or state money is Staff Rehab?

9 A And actually that's an error there because
10 we subgrant. We don't to an actual contract with
11 Staff Rehab. The grant goes to the GNETS. It's
12 allocated -- that's a therapeutic services grant.

13 Staff Rehab, some of them use that vendor
14 to hire or find staff for their LCSW, or social
15 worker positions, and some the grant can be used to
16 hire locally.

17 So this is old information.

18 Q Was it accurate for Fiscal Year '20?

19 A It's accurate in that they were allocated
20 the grant, but it wasn't with Staff Rehab.

21 Some of them did use -- I mean that was
22 probably on there for me that some of them used
23 Staff Rehab but the grant was subgranted to the
24 eleven GNETS.

25 Q With that subgrant I believe you just said

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1 that many Staff Rehab?

2 A Some did.

3 Q Some do, and others use local?

4 A If they can hire locally, you know, find a
5 professional to hire, some hire locally.

6 Q Do you approve that?

7 A Yes.

8 Q What type of information do you look at to
9 approve that?

10 A I don't approve the hire. I mean, for the
11 record, I do not approve the hire. I allocate the
12 grant for them to use to hire.

13 Q You approve the grant being used for --

14 A For LCSW, or therapeutic services
15 provider.

16 Q Let's go to the third contract, Georgia
17 State University, FBA/BIP.

18 A Yes.

19 Q What is that?

20 A That was a contract that we had. We no
21 longer have that contract. It was training on
22 Functional Behavior Assessments, contracted with
23 Georgia State, and they provided training to GNETS
24 directors.

25 I actually participated in that training,

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1 too, coming into this role on FBA development. It
2 was a contract we had with Georgia State.

3 Q And you no longer have that?

4 A No, we don't have it.

5 Q Do you have the next contract named with
6 Georgia State?

7 A I do not.

8 Q Would I be correct that this would be a
9 trauma informed care contract, not --

10 A Yes, it was with them. Yes, Georgia
11 State.

12 Q Do you have -- does the GNETS program have
13 contracts to assist with FBA and BIPs for trauma
14 informed care not with Georgia State?

15 A We do not.

16 Q When did these contracts end?

17 A I'm going to say 2019, due to decrease in
18 funding. My budget, didn't have a budget.

19 Q Next I see Nquire Services?

20 A That's the vendor for the SDQ, Strengths
21 Difficulty Questionnaire, and that pays for access
22 to that platform, for them to use that assessment.

23 Q The next is Jigsaw/Teachtown RBT?

24 A No longer have that contract. Teachtown
25 no longer has that RBT, registered behavioral

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1 technician component, which they could earn
2 certification through that contract. We no longer
3 have that.

4 Q When did that contract end?

5 A I want to estimate and say it was 2019
6 because that's when there were budget changes.

7 Q So this was due to budget changes as well?

8 A Let me retract that on the budget changes
9 on that one. With that one Teachtown no longer
10 offered that as an option. It's a service that I
11 could contract on for the RBT certification.

12 Q Have you looked for an RBT certification
13 replacement?

14 A I have not. No, I have not.

15 Q And why is that?

16 A Budget.

17 Q What about the next one, which reads
18 Jigsaw/Teachtown ABA Pro licenses?

19 A That's an online professional learning
20 opportunity platform for teachers to access lessons
21 and resources on working with challenging --
22 students with challenging behaviors.

23 Q Do you still provide these --

24 A I still -- I still have that contract.

25 Q Okay. I'm going to ask the question again

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1 so we have the full question on the record.

2 A Okay.

3 Q Do you still provide licenses through
4 Jigsaw/Teachtown for ABA Pro?

5 A Yes.

6 Q And this is for all regional GNETS
7 programs?

8 A For those that want to participate. Some
9 no longer participate or use it, but for those that
10 want to continue to use it, we do have some.

11 Q Do you know about how many use it?

12 A Because that changed maybe last year. I
13 don't know the exact number but it's not as many as
14 we had initially.

15 Q What about Pearson/BASC-3? Is this the
16 BASC-3 licensing we talked about earlier?

17 A Yes. I still have that contract.

18 Q You still have that?

19 A Uh-hum. (Affirmative.)

20 Q Are there any contracts not identified
21 here that you currently have?

22 A I cannot -- let me look at the list again.
23 FBA, BASC, Nquire -- I can't -- no, I
24 can't think any of others.

25 Q Let's go to the next slide. It reads:

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1 "Program Manager Budget," correct?

2 A Yes.

3 Q Am I correct this is your budget?

4 A Yes.

5 Q And it is \$1,461,522 in Fiscal Year '20?

6 A Yes.

7 Q What is it now?

8 A It's right around 1.1 mill. I think
9 there's -- I can't remember the piece for personnel,
10 but the contracts minus my budget, maybe
11 approximately 190,000 maybe less the contracts for
12 my personal services.

13 We no longer have real estate charges,
14 telecommunication charges. I haven't had to buy a
15 new computer. I used that budget for also that.

16 Q Let's take a step back.

17 So when it says personal services, what
18 does that refer to?

19 A That would be my salary, benefits.

20 Q Is Lakesha Stevenson's salary paid through
21 this budget as well?

22 A She is not. She's paid through federal
23 grant. Not the GNETS federal grant, just IDEA.

24 Q IDEA?

25 A Within special education.

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1 Q By GaDOE?

2 A By GaDOE, yes.

3 Q Then the regular operating expense, what
4 does that entail?

5 A That is -- it really -- operating would be
6 some of those things I've broken out here. I can't
7 remember specifically what else we have on there for
8 drawdowns for that. I don't recall specifically for
9 that.

10 Q Computer charges was your technology and
11 your --

12 A That would be for technology. It's
13 budgeted, so if needed.

14 Then of course real estate was -- we had
15 to pay for cube space. We no longer have to pay for
16 that.

17 Q To pay for cube space within GaDOE?

18 A Within GaDOE. But that's no longer being
19 done because we no longer -- we telework. We're no
20 longer onsite.

21 Q You're fully remote?

22 A Yes.

23 Q And then telecommunications?

24 A That's when we would have the landlines
25 for the phones. So we no longer have that.

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1 Q And going back to being fully remote, did
2 this start with the beginning of the pandemic?

3 A Yes.

4 Q And the contracts, am I correct that's
5 what we just discussed on the previous slide?

6 A Yes, we went through those.

7 Q Thank you.

8 Let's go to Slide 15. This is the GNETS
9 grants application that we've spoken about, correct?

10 A Yes.

11 Q And this is a grant application that each
12 regional GNETS program completes, correct?

13 A Yes.

14 Q Have there been changes to the process to
15 apply while you've worked at GaDOE?

16 A The application previously was not
17 electronic or through the GaDOE portal. It was a
18 separate Word document that they would complete, but
19 the contents, much of the content that was in that
20 paper document is now in the portal grant
21 application.

22 Q Then do you see on this slide where it
23 reads: "GNETS Grant application aligns to the
24 strategic plan"?

25 A Yes.

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1 Q Can you elaborate on that?

2 A Like for the different focus areas of the
3 strategic plan, the grant app would show behavioral,
4 therapeutic supports, instructional, personnel. I'm
5 trying to think of some of the other areas.

6 There's an reintegration section of the
7 grant, that piece I discussed earlier, where they
8 talk about short-term stabilization, how many kids
9 went back. That piece is in there.

10 Of course -- I'm trying to think of the
11 budget piece in there. Personnel. Severe
12 behavioral management, de-escalation, they have to
13 report that data in there.

14 So some of those sections that are in the
15 strategic plan are also in the grant app.

16 Q And then I know you review the grant
17 applications. We discussed that?

18 A Yes.

19 Q And who also reviewed it?

20 A Lakesha and I split those to review. It's
21 24.

22 Q Does anyone else in GaDOE review the grant
23 applications?

24 A No.

25 Q Do you add requirements prior to grant

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1 approval to assure compliance or improve educational
2 services?

3 MS. JOHNSON: Objection.

4 A I'm sorry. Repeat that.

5 Q No problem.

6 Do you add requirements prior to grant
7 approval into the application to improve educational
8 services at a regional GNETS program?

9 MS. JOHNSON: Objection.

10 A I don't add requirements, but referring
11 back to the attachments that I mentioned earlier, I
12 had those attachments that they have to submit for
13 each of the different areas.

14 And the grant application itself, under
15 the instructional piece, they share what
16 instructional interventions are used and that's
17 embedded in the grant application.

18 Behavioral and therapeutic supports, what
19 type of behavior and therapeutic supports is in the
20 grant application.

21 Tier supports, how they are tiering
22 students for the different behavioral and
23 instructional supports are also a part of that.

24 Q Do regional programs, regional GNETS
25 programs, have different assurances required in the

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1 GNETS grant?

2 A The assurances are the same. They're two
3 types of fiscal agents, the LEAs. 12 have LEAs as
4 fiscal agents, 12 have RESAs as fiscal agents, and
5 those assurances are used for each of the fiscal
6 agents, depending on who their fiscal agent is.

7 Q Are all of the GNETS grant application
8 requirements the same for all regional --

9 A Yes, they're the same.

10 Q I'm going to just ask it again to get the
11 full question out on the record.

12 Are all GNETS application requirements the
13 same for all 24 regional GNETS programs?

14 A Yes.

15 MS. TUCKER: I would like to introduce an
16 exhibit that was previously -- Plaintiff's
17 Exhibit 229, that was previously introduced.

18 We're going to show it electronically.

19 (WHEREUPON, Plaintiff's Exhibit-229 was
20 previously marked for identification.)

21 BY MS. TUCKER:

22 Q Mrs. Cleveland, do you see this document?

23 A I do.

24 Q Am I correct that this is the grant
25 application for Northwest Georgia GNETS for Fiscal

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1 Year 2021?

2 A Yes.

3 Q Let me correct that.

4 The Northwest Georgia RESA, but it's for
5 Rutland Academy GNETS program. Is that correct?

6 A It's Rutland. I'm sorry. It's Northeast
7 Georgia.

8 Q Thank you.

9 Please take a moment to flip through, as
10 you're doing, and let me know when you've had a
11 chance.

12 (Witness reviews exhibit.)

13 A Okay.

14 Q Ms. Cleveland, is this a typical GNETS
15 grant application?

16 A Yes.

17 Q And all of the regional programs would
18 submit the same GNETS application?

19 A Yes.

20 Q It is the same for this current fiscal
21 year?

22 A Yes.

23 Q Who decided what information was required
24 by the grant application?

25 A This platform was in progress when I came

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1 on board, and I continued to work with that division
2 to continue to complete the project. So it was
3 started and I worked with them to finish, get it
4 completed.

5 Q What do you mean by you're looking to get
6 it completed?

7 A The actual platform. When I came in, it
8 was, it was being built. It was at those beginning
9 stages and there were things that still needed to be
10 completed with making sure that directors could
11 access it, all of that IT business rule stuff around
12 that. So I worked with them to finish the -- get
13 the platform finished.

14 Q Is the platform finished now that --

15 A Yes. This is how they upload their grant.

16 Q When was it finished?

17 A I think we've been putting it in here
18 since 2020. I'm not for certain. I would have to
19 look at the --

20 Q And is this the GaDOE portal platform or a
21 different platform?

22 A It's a GaDOE portal and it's a GNETS
23 application.

24 Q So it's a separate application within the
25 portal?

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1 A You log into the portal and we have a link
2 that you go to GNETS for the grant application.

3 Q Thank you.

4 And then if you -- if GaDOE was looking to
5 change some of the required information in the GNETS
6 grant application, how would that come about?

7 MS. JOHNSON: Objection.

8 A If we were looking to change -- say that
9 again.

10 Q If you wanted to change the requirements
11 in the GNETS grant application, how would you make
12 those changes?

13 A I would not just make the changes. I
14 would meet with, of course, the State director. The
15 deputy would probably be in that conversation. And
16 then I would have to work with IT to implement any
17 changes to the grant application.

18 Q Can any changes be made to the fiscal
19 agent assurances?

20 A If GaDOE felt there was a need to change.
21 I'm not -- I don't know.

22 Q Are all of the fiscal agent assurances the
23 same?

24 A Yes. RESA has -- there may be a little
25 bit of different language in the RESA fiscal agent.

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1 They may have a couple of things that are different
2 than what's in the LEA. Because there's a LEA
3 fiscal assurance and a RESA fiscal assurance.

4 Q It's the same from regional program to
5 regional program

6 A Yes. If their fiscal agent is a RESA,
7 that assurance is the same.

8 Q But it's a little bit different if LEA is
9 a fiscal agent?

10 A Yes.

11 Q Thank you.

12 Does a grant contain provisions that
13 allows the State to terminate funding if the
14 regional GNETS program is found in noncompliance?

15 A Say that again.

16 Q Is there a provision in GNETS -- in the
17 GNETS grant to terminate funding to a regional GNETS
18 program?

19 A Not that --

20 MS. JOHNSON: Objection.

21 A -- I'm aware of.

22 THE WITNESS: Can we take a break?

23 MS. TUCKER: Of course.

24 THE VIDEOGRAPHER: Off the record at 4:47

25 p.m.

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1 (A recess was taken.)

2 THE VIDEOGRAPHER: Back on the record at

3 5:01 p.m.

4 BY MS. TUCKER:

5 Q Hi, Mrs. Cleveland.

6 What coordination do you have with GaDOE's
7 Office of Planning and Budget?

8 A I don't work or collaborate or coordinate
9 with the Office of Planning and Budget. I work with
10 Geronald Bell, who is the budget liaison for GNETS,
11 and he works with the Office of Planning and
12 Budgets.

13 MS. TUCKER: I'd you look to introduce
14 Plaintiff's Exhibit 391.

15 The first Bates number on the first page
16 of this exhibit is GA00355886.

17 (WHEREUPON, Plaintiff's Exhibit-391 was
18 marked for identification.)

19 BY MS. TUCKER:

20 Q This is a November 15th, 2019 email from
21 you to Amber Todd. The subject is "Performance
22 Measure Review/Questions."

23 Mrs. Cleveland, do you recognize this
24 email?

25 A Yes.

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1 Q Who is Amber Todd?

2 A Amber Todd is out of the Office of
3 Planning and Budget, and she sends this request
4 around this time of year, and I work with Geronald
5 and with Mark to get information on her student
6 funding and the number of kids served in GNETS
7 programs.

8 Q And by this time of year, are you
9 referring to the date of the email, or now?

10 A Now. She has recently requested this
11 information now.

12 So this is the date that she sent it then.

13 Q Thank you.

14 And in the earliest email in the chain,
15 Amber Todd indicates that she's collecting FY21
16 performance measures. Is that correct?

17 A That's what she has in the email, yes.

18 Q What is the purpose of FY21 performance
19 measures?

20 A This information is requested from their
21 office, and typically I provide the information.
22 I'm not sure what OPB does with it, but my role is
23 to get -- respond to the GNETS questions that she
24 has on here.

25 Q A moment ago you just mentioned OPB. Are

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1 you referring to GaDOE's Office of Planning and
2 Budget?

3 A Yes. I think she works out of there.

4 Q I see that. Thank you.

5 And this data is collected each year?

6 A Yes.

7 Q In response, you tell Amber Todd you
8 provided updates as well as providing a GNETS
9 assessment summary. Is that correct, in your email?

10 A Yes, from what I've stated in the email.

11 Q Let's look at the attachments that you
12 shared. We're going to pull them up electronically.

13 Let's turn to the first attachment, which
14 begins GA00355888.

15 THE VIDEOGRAPHER: Michelle, do you have
16 your mike on?

17 MS. TUCKER: No. Do you need me to repeat
18 anything?

19 THE VIDEOGRAPHER: No. I heard you. It
20 will just sound better.

21 MS. TUCKER: Is that better?

22 THE VIDEOGRAPHER: Yes.

23 MS. TUCKER: Thank you.

24 BY MS. TUCKER:

25 Q Mrs. Cleveland, do you see the document

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1 that's titled, "GNETS Assessment Data Summary," 2016
2 through '19?

3 A Yes.

4 Q Do you recognize this spreadsheet?

5 A Yes.

6 Q Did you create it?

7 A I did not.

8 Q Who created it?

9 A I received this spreadsheet from the
10 Assessment Accountability Office. They provided
11 that spreadsheet.

12 Q This is within GaDOE?

13 A Yes.

14 Q And was this requested by Amber Todd, or
15 is this something you sent separately?

16 MS. JOHNSON: Objection.

17 A This was not requested by Amber Todd, no.

18 There's a -- I don't see her form on here,
19 but in trying to respond to that form, this was
20 provided by the assessment accountability.

21 Q Through you?

22 A Yes. They sent it to me and I sent it on.
23 I think that was -- I'm not sure if this actual form
24 was submitted, but -- I'm not sure if this actual
25 form was submitted to her. May have been.

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1 Q If we go back to the email --

2 A Sorry.

3 Q This is the attachment? Yeah.

4 A There we go.

5 Q We agree this was attached to your email?

6 If you see --

7 A It's saying I sent assessment summary,
8 okay.

9 Q Thank you, Mrs. Cleveland.

10 So let's start with -- where it says
11 Georgia Milestones EOG and Georgia Milestones EOC,
12 do you see that?

13 A Yes.

14 Q What is the Georgia Milestones EOG?

15 A In the grade assessment, that's end of
16 year assessments that are given to students. That's
17 end of grade for elementary, and then end of course
18 for the older secondary students.

19 Q So end of grade is for elementary
20 students, and end of course is for secondary?

21 A Yes.

22 Q Is that a yes?

23 A Yes. Sorry.

24 Q Thank you.

25 Are these milestones still being currently

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1 used?

2 A Yes. That's a state assessment.

3 Q The number of students taking these
4 assessments seemed lower than the general GNETS
5 enrollment during these years. Do you see that?

6 A So you're referring -- because I know --
7 if I'm looking at 2016, what are you asking?

8 Q Yeah. So for 2016 it's 1,837 students
9 took the end of grade Georgia Milestones, and that
10 seemed lower --

11 A Than GNETS enrollment?

12 Q Uh-hum. (Affirmative.)

13 A All grade levels don't test every year.
14 It depends on if it's a grade level that is
15 assessed.

16 Q Thank you. That's helpful.
17 What grades are assessed?

18 A I don't know from memory, but different
19 grade levels are assessed each year.

20 Q Am I correct that these numbers indicate
21 for mathematics and ELA there were between two and
22 nine percent of GNETS students scoring proficient in
23 years 2016, 2017, 2018, and 2019?

24 A I'm sorry, I'm looking at it. Ask that
25 again.

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1 Q Sure. With looking at the charts, am I
2 correct that the scores fall between two and nine
3 percent proficient for GNETS students?

4 A Yes, I see it now.

5 Q For school years 2016, '17, '18, and '19?

6 A Yes. This indicates a proficient plus.

7 Q And proficient plus below means meets the
8 standard?

9 A Yes. There's a little rubric there.

10 Q Do these scores seem low to you?

11 A Yes.

12 Q Do you know why that is?

13 MS. JOHNSON: Objection.

14 A Students -- I wouldn't -- I don't know. I
15 don't know.

16 Q When you've seen these scores, have you
17 taken any steps?

18 MS. JOHNSON: Objection.

19 A Steps --

20 Q A moment ago you testified that the scores
21 did seem low, correct?

22 A Yeah, from what I see here, yes.

23 Q When you received this information with
24 these low scores, did you decide there were any
25 steps that you needed to take to help improve these

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1 scores?

2 MS. JOHNSON: Objection.

3 A No.

4 Q Why not?

5 A Well, one step was sharing it with the
6 director, the special education director. So that
7 was one step. That was taken, but no additional
8 steps.

9 Q What did you discuss with the special
10 education director?

11 A Just shared this data that was provided
12 through -- I mean from the assessment office.

13 In GNETS, it's my understanding it's not a
14 subgroup because their data is reported back to the
15 LEA for each student. So it was discussions around
16 is this subgroup data or are they not counted -- my
17 understanding they were not counted as a subgroup.
18 But this is data that was provided from accounting
19 -- assessment accountability.

20 Q I'm not sure if I understand what you just
21 said. So let's just take a step back.

22 Are you saying that the GNETS students'
23 information is not reported together for milestones?

24 A No. No, I wasn't saying that. No.

25 Q Then let's -- could you try to explain

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1 again what you were saying?

2 A I'm trying to explain it.

3 Because I'm trying to think how we even
4 got to requesting this information.

5 I'm not sure.

6 Q But you recall having discussion with the
7 special education director related to the milestones
8 scores?

9 A I don't recall specifically if it was
10 around this actual spreadsheet, but for information
11 on this other document that comes from Amber, I
12 think there were discussions about this data and is
13 this the data.

14 I can't recall. It's been a minute.

15 Q Did the special education director share
16 your thoughts that these scores were low for GNETS
17 students?

18 MS. JOHNSON: Objection.

19 A I don't recall.

20 Q You don't recall?

21 A No.

22 Q After you met with the special education
23 director, did you-all discuss any steps to be taken
24 with regards to the regional GNETS programs and
25 improving their scores?

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1 MS. JOHNSON: Objection.

2 A Not that I recall, no.

3 Q Let's scroll over to the GAA and GAA 2.0.

4 What are those?

5 A That's the Georgia Alternate Assessment.

6 That assessment is administered to students with low
7 -- our low incidents population of students with
8 intellectual disabilities, functioning autism
9 students, students that do not access the general
10 curriculum. They're assessed through that
11 assessment.

12 Q Would all of the students that meet that
13 criteria in GNETS be assessed under GAA and GAA 2.0?

14 MS. JOHNSON: Objection.

15 A Ask that again, please.

16 Q Of course.

17 The low -- the students who you just
18 identified that would -- with intellectual
19 disabilities, that would be assessed under the GAA
20 and GAA 2.0, are all assessed or only a subset of
21 those students in GNETS assessed?

22 MS. JOHNSON: Objection.

23 A I'm not sure. I don't know.

24 Q Am I correct that the scores between GAA
25 and GAA 2.0, the scores went down?

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1 A I would not be able to -- I don't know the
2 answer. I don't know. Because the -- I think the
3 2.0 is an updated version of the GAA, and I do see
4 where there's no insides. So I'm not sure that is
5 because the assessment changed.

6 Q I'm -- let me know if you agree, that in
7 2019, GAA 2.0 was implemented, and the other years
8 on this chart, 2016, 2017, and 2018, the GAA was
9 still being used? Does that sound correct?

10 MS. JOHNSON: Objection.

11 A From what I can see, but I don't know.

12 Q You don't know?

13 A No.

14 Q Do you know if these scores impact
15 funding?

16 A No, because GNETS funding is driven by
17 enrollment, student record enrollment.

18 Q And do you know why -- what the Office of
19 Planning and Budget does with similar information?

20 A I do not.

21 Q But it's requested every year?

22 A They do request that.

23 Q Thank you.

24 Do you meet with the State Board of
25 Education -- I think we discussed you met with the

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1 State Board of Education on funding once. Is that
2 correct?

3 A I didn't meet with the State Board --
4 there was a Board meeting, the State Board of
5 Education meeting.

6 But, no, I do not meet directly with State
7 Board of Education.

8 Q And when you attended that meeting, the
9 State Board members were there and you presented?

10 A I mean that's -- I'm trying to think about
11 what I did at that meeting. I don't know if I just
12 presented the GNETS Board items, if they had
13 questions. I don't recall specifically, but I do
14 remember attending a meeting. But I don't attend
15 those regularly because that process -- protocol
16 changed within the division. The deputy presents
17 those items now.

18 Q Thank you, Ms. Cleveland.

19 I want to turn back to what we introduced
20 earlier as Plaintiff's Exhibit 386.

21 The bottom of the page reads GA00364535.

22 A Was it an email?

23 Q It's an email from you dated December 2nd,
24 2020, to the regional GNETS directors, with the
25 subject reading "File review."

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1 A Okay. I'll find it.

2 December 2nd, 2020?

3 Q Yes. Did you find it?

4 A It got buried.

5 Q With 386, the yellow sticker on the top.

6 Do you see that? Okay.

7 MS. JOHNSON: Vickie, this is one we
8 previously objected to, but I withdrew the
9 objection, and we'll just treat it as we did
10 earlier, just on a question-by-question basis.

11 THE WITNESS: Okay.

12 MS. TUCKER: Thank you.

13 BY MS. TUCKER:

14 Q Again, you see that the subject is "File
15 review"?

16 A Yes.

17 Q And you sent this?

18 A Yes.

19 Q Do you recognize this email?

20 A Yes.

21 Q Am I correct that you are requesting the
22 regional GNETS programs to complete an IEP file
23 review?

24 A Yes.

25 Q When did you first request this of the

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1 regional GNETS programs?

2 A I don't know the exact date, but I'm
3 thinking it was around the fall, but I don't know,
4 of the 2020.

5 Q Of 2020?

6 A Yes.

7 Q And what did you communicate to the
8 regional GNETS programs?

9 A What I shared earlier, that we provided
10 the form, Jotform, for them to review their files,
11 and the information that was requested was in that
12 form that we reviewed.

13 Q Did you give a reason for requesting this
14 information to the regional GNETS programs?

15 A Just that we -- we wanted to do an IEP
16 file review.

17 Q Did any of the regional GNETS programs
18 have questions on why?

19 A No.

20 Q And they all turned in their files?

21 A As far as I recall.

22 Q Thank you, Ms. Cleveland.

23 Earlier when we were talking about BASC-3
24 and SDQ, are you able to look at the data that the
25 regional GNETS programs submit?

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1 A When they shared for the SDQ in their
2 meetings, I can see that. I don't look at the data
3 from GaDOE.

4 Q Could you look at the data from GaDOE? Is
5 that available for you to do?

6 A Lakesha manages that piece for me. So I
7 would have to have her inform that.

8 Q That was for SDQ. What about BASC-3?

9 A BASC-3, she also manages that for me.
10 BASC-3, I'm sure we're able to go in and see -- I
11 would have to have her respond to that.

12 Q Thank you, Mrs. Cleveland.

13 Are you familiar with the GNETS project
14 management plan?

15 A That was a plan that Nakeba -- when I
16 moved in, in reviewing some of the records, I recall
17 seeing that document when I was looking at records.

18 Q What records?

19 A Production of documents, pulling records
20 for that.

21 Q Am I correct that you're referring to the
22 request for production of documents that we served,
23 the Department of Justice served on the United
24 States -- I mean on the State of Georgia?

25 A We got two, so -- I can't definitively

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1 say, but I remember looking at that document.

2 Q Is that not a current document that you
3 use?

4 A No.

5 Q Did you use it at any time during your
6 tenure as GNETS program manager?

7 A Shortly -- just for a brief time, I put
8 some of the updates around FBA training and BIP
9 training -- TIC training, but I didn't use that.

10 Q T-I-C?

11 A Yeah. Trauma informed care.

12 Q Did you have any involvement in creating
13 it originally?

14 A No.

15 Q Did you have any involvement in the
16 decision to stop using it?

17 A I just didn't continue to use it.

18 Q Do you recall why?

19 A No.

20 Q Was there information that you were
21 collecting in that plan that you no longer collect?

22 A I can't remember all the details. I do
23 not remember all the details of that plan. So I --
24 I don't know.

25 Q Thank you.

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1 Earlier we touched a little bit on the
2 Apex program?

3 A Yes.

4 Q And you -- who did you first learn about
5 this program from?

6 A Dante McKay.

7 Q And earlier you said that you learned that
8 Apex would not push into GNETS; is that correct?

9 A Correct.

10 Q And you learned this from Dante?

11 A Yes.

12 Q About when?

13 A I don't recall the exact date. But it was
14 the -- before 2020, because I always use that as the
15 time frame --

16 Q I understand.

17 A -- that things changed.

18 So it had to be before that timeline.

19 Q Did you ever explore transitioning
20 students back to gen ed so they could receive Apex
21 services?

22 A That was the IEP decision, so I'm not
23 involved in those meetings, and that would come out
24 of those meetings if they were transitioning kids
25 back.

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1 Q Do you know how the Apex program is
2 funded?

3 A I do not.

4 Q What is your understanding of GaDOE's role
5 with respect to the Apex program?

6 MS. JOHNSON: Objection.

7 A I am not -- I have no knowledge of GaDOE's
8 role with Apex. My involvement was with that
9 conversation -- conversation with Dante and what
10 Apex is.

11 Q What is the target population for students
12 receiving Apex services?

13 MS. JOHNSON: Objection.

14 A I don't know.

15 Q Do you know if it's similar, similar
16 student population as those receiving GNETS
17 services?

18 MS. JOHNSON: Objection.

19 A I do not.

20 MS. TUCKER: I'd like the court reporter
21 to mark this document as Plaintiff's Exhibit
22 392.

23 The Bates number on this document is
24 GA00315836.

25 (WHEREUPON, Plaintiff's Exhibit-392 was

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1 marked for identification.)

2 BY MS. TUCKER:

3 Q It's a February 23rd, 2018 email from you,
4 to you, with no subject.

5 Mrs. Cleveland, do you recognize this
6 email?

7 A I don't recall the email. I see my name
8 is on it, but I'm trying to see who I would have
9 gotten it from.

10 Q Do you have any reason to think you didn't
11 send this to yourself?

12 A No, I don't. So I'm wondering who it was
13 coming from.

14 Q To me it looks like it's notes?

15 A I would think it was notes from something,
16 yeah.

17 Q Do you believe it was notes from a
18 conversation?

19 A I don't know.

20 Q Am I correct that this is about Apex and
21 Dante McKay?

22 A This is -- email is stating that, yeah.

23 Q Let's look at the first sentence. It
24 reads: "Dante McKay-our contact on the ground. How
25 can we support each other? How do we access the

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1 resources and who's the provider."

2 What did you mean by "contact on the
3 ground"?

4 A In looking at this, I don't think this is
5 a document that I wrote. I'm thinking it's notes
6 from something, but -- because this does look like
7 something I would have written, so.

8 Q You think these are not your notes but
9 it's notes you received from someone else?

10 A Yes -- these are not -- yes.

11 I don't know who Jenene is.

12 Q Any time --

13 A I -- I'm sorry.

14 Q Please go ahead.

15 A I was just saying I don't know who Jenene
16 is.

17 Q At any time did you discuss the
18 possibility of Apex and GNETS?

19 A I'm sorry?

20 Q At any time do you -- did you discuss or
21 consider if Apex could be used for GNETS programs?

22 A In my conversation with Dante, I did ask
23 that question, trying to understand what Apex is,
24 how do we get it connected to GNETS services -- I
25 mean programs, and that's what was explained to me,

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1 that it was only pushed into LEAs and not into
2 GNETS.

3 Q Do you know if any school-based GNETS
4 located at gen ed schools could receive Apex
5 services?

6 MS. JOHNSON: Objection.

7 A I don't know.

8 Q Was that anything you explored?

9 A No.

10 Q The second paragraph or sentence written
11 reads: "Apex is for prevention; prevention can also
12 be at the GNETS level to prevent residential."

13 Do you see that?

14 A Yes.

15 Q What did you mean -- and then "Apex serves
16 kids on traditional campuses."

17 What did you mean by that?

18 MS. JOHNSON: Objection.

19 A I think that these were notes that were --
20 I don't recall these -- this information. So I
21 can't speak to that question.

22 MS. TUCKER: I'd like the court reporter
23 to mark this exhibit as a -- this document as
24 Plaintiff's Exhibit 393.

25 The Bates number on the bottom reads

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1 GA01063871.

2 (WHEREUPON, Plaintiff's Exhibit-393 was
3 marked for identification.)

4 BY MS. TUCKER:

5 Q It's from Dante McKay to you, Vickie
6 Cleveland, subject is "Information on Apex."

7 Mrs. Cleveland, do you recognize this
8 email from Dante McKay?

9 A I do.

10 Q Am I correct that Dante McKay ends the
11 email saying he was still working on the inventory
12 of Apex/GNETS program collaboration?

13 A Yes, I see it.

14 Q What does he mean?

15 MS. JOHNSON: Objection.

16 A I can't state what he means. But in
17 looking at that, I think it goes -- it's a follow-up
18 to the conversation -- some conversation I had about
19 how do we get this to GNETS.

20 Q Did he ever provide you with the inventory
21 that he identifies in his last sentence?

22 A I don't recall receiving inventory.

23 Q Do you recall asking the GNETS programs if
24 they have students receiving Apex services?

25 A I believe I did, if any of them were using

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1 Apex.

2 Q Do you recall whether any GNETS programs
3 responded in the affirmative, that they did have
4 students receiving Apex services?

5 A I believe Flint responded. The Flint
6 program.

7 Q Do you think students, GNETS students,
8 could benefit through a program involving an Apex
9 partnership with a Community Service Board?

10 MS. JOHNSON: Objection.

11 A I would have to know what those services
12 would look like, so I don't have an opinion without
13 that information.

14 Q Have you taken any steps after these
15 emails we just discussed to broaden GNETS students
16 access to Apex services?

17 A I have not.

18 Q Do you know if anyone else has at GaDOE?

19 A I don't recall.

20 Q Have you spoken with anyone else in DBHDD
21 about this?

22 A I have not.

23 Q Is there anything else you've worked with
24 Dante McKay on in relation to GNETS?

25 A He reached out once about a student in one

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1 of the school districts asking about -- seems like
2 he was asking about GNETS services. I'm trying to
3 remember. I don't remember the specific details,
4 but I remember he reached out asking about a student
5 that may have been in a group home situation, it
6 seems like that's what it was about, and I was able
7 to get him for a call directly -- connected to the
8 home school district for that kid, yeah.

9 Q Do you collaborate with anyone else in
10 DBHDD?

11 A I do not.

12 Q Do you know if anyone else does in GaDOE
13 related to GNETS?

14 A Not that I'm aware of.

15 Q Is that something that you've looked to do
16 in the future, or you consider to do at some point?

17 A I have not, but I'm not going to say that
18 I will not.

19 MS. TUCKER: I'm handing the court
20 reporter what I'd like marked as Plaintiff's
21 Exhibit 394.

22 The Bates number on the bottom of the
23 first page reads GA01054180.

24 (WHEREUPON, Plaintiff's Exhibit-394 was
25 marked for identification.)

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1 BY MS. TUCKER:

2 Q This is a December 19, 2017 email from
3 Clara Keith to Nakeba Rahming. The subject reads
4 "Deal Announces Release of Commission on Children's
5 Mental Health."

6 Mrs. Cleveland, do you recall this email?

7 A The email was sent to me. I don't recall
8 the contents without reading it.

9 Q Do you want to take a second to read the
10 email?

11 A Yes.

12 Q Okay.

13 (Witness reviews exhibit.)

14 A Okay.

15 Q Do you recall the email?

16 A I don't recall the email other than seeing
17 it here.

18 Q But you have no reason to doubt that you
19 didn't receive this?

20 A No, no reason.

21 Q Who is Clara Keith?

22 A Clara was -- worked at GaDOE before I --
23 when I was coming on board. And she was there for a
24 short tenure, so I didn't do a lot of work with her.

25 I think she worked with Nakeba before my

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1 tenure.

2 Q Did she work on GNETS?

3 A No. I think her role was more with DBHDD.

4 Q And it looks like when she emailed you,
5 she was working at DBHDD. Would you agree?

6 A Yes.

7 Q Am I correct that this email concerns
8 the -- Governor Deal's release of a report on the
9 Commission on Children's Mental Health?

10 A Based on the email, it looks like it.

11 Q Do you -- do you remember that report
12 coming out?

13 A I do not.

14 Q Do you know if any changes were made to
15 GNETS as a result of the report?

16 MS. JOHNSON: Objection.

17 A I do not.

18 Q Earlier we spoke about the IDT. Do you
19 remember?

20 A Yeah. Interagency Directors Team.

21 Q And am I correct that you previously sat
22 on the IDT but now Lakesha Stevenson?

23 A She attends those meetings.

24 Q And you no longer are a part of IDT?

25 A She attends, yeah.

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1 Q So you are still a member of IDT?

2 A I don't attend the meetings. She attends
3 the meetings and brings any feedback from meetings
4 to me. But we represent GNETS, so if she can't
5 attend the meeting, then I would go if she could not
6 be in attendance.

7 Q Do you know what other agencies are
8 represented on the IDT?

9 A Not from memory, no.

10 Q Is GNETS discussed at the IDT?

11 A When I attended, I did not, no, discuss
12 GNETS.

13 Lakesha has not shared that GNETS has been
14 discussed.

15 MS. TUCKER: I'd like the court reporter
16 to mark what is Plaintiff's Exhibit 395.

17 The Bates number on the first page of this
18 exhibit is GA00030905.

19 (WHEREUPON, Plaintiff's Exhibit-395 was
20 marked for identification.)

21 BY MS. TUCKER:

22 Q It's from the Interagency Directors Team
23 to Interagency Directors Team, with the subject:
24 "October IDT Meeting," and it was sent in September
25 19th, 2018.

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1 Mrs. Cleveland, does this look familiar to
2 you?

3 A Yes. This is the agenda for one of the
4 meetings, October 18th meeting.

5 Q Was that regularly sent in advance of the
6 meeting?

7 A They do send that.

8 Q Following the agenda, do you see starting
9 with GA00030907 that there's IDT meeting notes?

10 A Yes.

11 Q Did the IDT regularly send notes after the
12 meeting?

13 A They do.

14 Q Let's turn to Page 2 of that attachment.

15 At the bottom do you see where it says
16 "DOE - GNETS (Vickie Cleveland)?

17 A Yes.

18 Q Am I correct that the notes read that you
19 shared: "There have been no updates on the GNETS
20 lawsuit, so we are trying to move forward and do
21 good work for students. We will be moving students
22 back to home school districts. Our area focus is on
23 integration as kids return to their home schools, so
24 personnel can be familiar and prepared."

25 A Yes, I do see that.

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1 Q Do you recall making this statement?

2 A I was at the meeting. I don't recall
3 making the statement, but I see the statement was
4 made.

5 Q And you have no reason to doubt the
6 accuracy of the notes?

7 A No.

8 Q When you -- when the notes say "no updates
9 on the GNETS lawsuit," do you mean this lawsuit --

10 A Yes.

11 Q -- U.S. v. Georgia?

12 A And yes. And GNETS two, there were no
13 updates on the --

14 Q What is GNETS two?

15 A That's the GAO, Georgia Advocacy Office,
16 no updates.

17 Q You also shared, "we will be moving
18 students back to home school districts."

19 What do you mean by "we" in that sentence?

20 A I'm not -- I don't believe that statement
21 is accurate. I would have shared about
22 reintegration through the GNETS -- through IEP
23 meetings.

24 We -- I really do not recall saying that.
25 I don't.

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1 Q You also mention a focus on integration.
2 How have you been focused on integration at that
3 time?

4 A Through -- I'm trying to think. What is
5 the date of this? That would have been through
6 strategic plan reviews and talking about that
7 reintegration piece of the plan.

8 Q Thank you.

9 MS. TUCKER: I'd like to introduce
10 Plaintiff's Exhibit 396.

11 The Bates number on the bottom of the
12 first page is Georgia -- excuse me --
13 GA00352005.

14 (WHEREUPON, Plaintiff's Exhibit-396 was
15 marked for identification.)

16 BY MS. TUCKER:

17 Q It's an email from Kelvin Pruitt to you.
18 The date is September 4th, 2019, and the subject is
19 "Re: SEDNET." S-E-D-N-E-T.

20 MS. COHEN: Michelle, is this 396?

21 MS. TUCKER: 396, yes. Thank you.

22 396 starts on Georgia -- GA00352005.

23 BY MS. TUCKER:

24 Q Mrs. Cleveland, do you recall this email?

25 A Yes, yes.

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1 Q Who is Kelvin Pruitt?

2 A Kelvin Pruitt, I guess his title was
3 director, was the director for the SEDNET program in
4 Florida.

5 Q What is SEDNET?

6 A SEDNET -- I'm trying to think of what it
7 was.

8 They provided -- it was a network of --
9 like it's providing mental health services or
10 supports for students that needed that support.

11 Q In the email do you see where you wrote
12 that you met Nickie Zenn during the Georgia Design
13 Team visit last year.

14 A Yes. We -- the special director Zel took
15 a team and we went to meet with some -- I think it
16 was the Special Ed director for Florida at that
17 time, to talk about how they service their kids, to
18 kind of talk to them about the model of services
19 delivered for students with mental -- behavioral
20 challenges, and I met her there, and that's what
21 that response says.

22 Q Do you recall Nickie Zenn's role?

23 A I think Nickie -- Kelvin became Nickie. I
24 think she moved to another position and he became
25 her.

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1 Q He assumed Nickie's role?

2 A That's my understanding.

3 Q What is a Georgia Design Team?

4 A This was a group of professionals that
5 Zel, the special education director, pulled together
6 to go visit with them to talk about how they provide
7 services for their students with challenges, similar
8 challenges as GNETS. And on that team I was there,
9 I think a couple of GRS directors were there, Zel
10 was there.

11 I can't think of who some of the others
12 but it was a group of professionals that she took,
13 team, to go meet with them, for them to share how
14 they provide those services for their students.

15 Q With a population similar to GNETS? Is
16 that what you said?

17 A Yes, population similar.

18 Q Did you have the conversation with Kelvin
19 Pruitt?

20 A I did.

21 Q What was discussed?

22 A He pretty much just shared their structure
23 and format for how they're structured.

24 They I think had, from what he shared,
25 similar like we have GNETS directors in our program,

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1 they had -- I don't know what they called them. In
2 Florida, people like our GNETS directors that would
3 coordinate with LEAs. It was similar structure from
4 what he shared.

5 Q Why was GaDOE interested in SEDNET?

6 A To -- this was brought to us by the
7 director to just go visit and see how others are
8 serving this population of students.

9 Q Are you still in communication with Kelvin
10 Pruitt?

11 A I have not spoken with him.

12 Q Has anyone at GaDOE?

13 A Not that I'm aware of.

14 Q Have you had conversations, more recent
15 conversations, with anyone else regarding SEDNET?

16 A I have not.

17 Q Did you make any changes to GNETS because
18 of what you learned about SEDNET?

19 A I did not.

20 Q Did anyone else at GaDOE make changes
21 after what they learned about SEDNET, to GNETS
22 changes?

23 A Not that I'm aware of.

24 Q Are there changes that you would like to
25 make to GNETS after what you learned about SEDNET?

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1 A I don't know. I mean I -- not that I
2 recall, I didn't make any changes.

3 Q Did you or others at GaDOE look into other
4 state models for serving students with similar
5 populations, similar students that are served by the
6 GNETS program?

7 A We have looked at not to go visit, but
8 we've looked online at some other states to see if
9 we could get -- could glean information from that.
10 If it was similar, do they serve -- how they serve
11 these kids. So we have looked at some states.

12 Q What other states?

13 A We looked at Florida. I think I've got a
14 list. It seems like it was Tennessee, maybe.

15 I don't want to say for sure, Virginia
16 maybe. But we have tried to look at other models.

17 Q Are you still looking into these other
18 models?

19 A We have not recently, but I'm not going to
20 say that may be something that we may think about.

21 Q Did you make any changes to the GNETS
22 program based on what you learned about models from
23 other states?

24 A I have not.

25 MS. TUCKER: Can we take a two-minute

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1 break, or five-minute break.

2 THE VIDEOGRAPHER: Off the record at 5:52
3 p.m.

4 (A recess was taken.)

5 THE VIDEOGRAPHER: Back on the record at
6 6:07 p.m.

7 BY MS. TUCKER:

8 Q Thanks, Mrs. Cleveland.

9 MS. TUCKER: I would like to introduce
10 what will be marked as Plaintiff's Exhibit 397.

11 The Bates number on the bottom reads
12 GA00333614.

13 (WHEREUPON, Plaintiff's Exhibit-397 was
14 marked for identification.)

15 BY MS. TUCKER:

16 Q It is a September 25th, 2000 email -- 2018
17 email from you to the regional GNETS directors. The
18 subject is "Georgia's Separate and Unequal Special
19 -Education System, The New Yorker." And there's one
20 attachment.

21 Or -- no. It's just a forward.

22 A Okay.

23 Q Mrs. Cleveland, do you recognize this
24 email?

25 A I do.

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1 Q And am I correct that you are forwarding
2 the New Yorker Magazine's 2018 article on GNETS to
3 the regional GNETS directors?

4 A Yes, that's what the email reads, yes.

5 Q Did you discuss the New Yorker article
6 with the regional GNETS directors?

7 A I recall when, when that news story broke
8 or however that -- I can't remember exactly how it
9 was pushed out there, but directors had asked about
10 that. I told them that, you know, I only knew what
11 they knew. And when that became available, I just
12 shared it because they had asked about it.

13 Q Were you contacted by the New Yorker
14 related to this article?

15 A Goodness. Communications office, I
16 believe, because -- was contacted. I mean from what
17 I recall. I remember communications being involved,
18 Office of Communications.

19 Q Do you recall providing any information to
20 the Office of Communications to share back with the
21 New Yorker?

22 A I don't recall.

23 Q How were you made aware of this article?

24 A Goodness, I can't remember how we found
25 out about it. I don't recall. That I don't.

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1 I don't recall.

2 Q Did the article prompt any changes that
3 GaDOE made to the GNETS program?

4 A The article didn't prompt any changes from
5 what I can recall.

6 Q Earlier you testified that Matt Jones
7 spoke with you about the New Yorker article?
8 Correct?

9 A Communications -- I want to make sure it's
10 in the record correctly.

11 Meghan is our communications contact. I
12 can't -- let me correct the record.

13 I can't recall specifically that -- I'm
14 thinking that maybe he was in the conversation
15 around -- with Meghan. So I want to correct the
16 record. I can't recall exactly if he was in, but I
17 mean -- I don't recall exactly. But I do -- it
18 seems like he was in those conversations around --
19 with Meghan responding. For correcting the record,
20 I can't recall specific from that.

21 Q What's Meghan's last name?

22 A What's Meghan's? Fritz? What is Meghan?

23 Q So it's Meghan in the Office of
24 Communications?

25 A Yes. I'm trying to think of her last

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1 name. What is Meghan's last name?

2 MS. COHEN: Is the spelling M-E-G-H-A-N?

3 THE WITNESS: Yes. Sorry about that.

4 BY MS. TUCKER:

5 Q Did anyone --

6 MS. TUCKER: Scratch that.

7 Q Did Matt Jones or anyone else at GaDOE ask
8 you to investigate the allegations in the New Yorker
9 article?

10 A Not that I recall.

11 Q Did you look to investigate the
12 allegations made in the New Yorker article?

13 A I did not. I don't recall doing that, no.

14 Q Or confirm what the New Yorker article
15 stated, did you take any steps to do that?

16 A I did not.

17 Q Mrs. Cleveland, do you receive complaints
18 from families or parents related to the GNETS
19 program?

20 A I do not get -- well, let me think
21 through.

22 If there is a complaint that's GNETS
23 related, it may go through the special education
24 help desk, and I might be notified that a complaint
25 has come in. Or if there's a complaint through a

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1 dispute resolution office, if it involves a GNETS
2 student, I would be notified, just as an FYI.

3 Q Do you ever respond to the families that
4 reach out to you or reach out to GaDOE regarding
5 concerns with GNETS?

6 A If there's a concern directly sent to me.
7 For example, if a parent is relocating, they may
8 reach out asking about GNETS services. I then will
9 return the call to the parent and make sure I tell
10 them how to get connected to the LEA, the special
11 education director, and I also notify the GNETS
12 director that a parent has reached out about
13 services.

14 Q But it would be through the special
15 education hotline and the dispute resolution --

16 A That's if they're -- if complaints would
17 come through them, but I was referring to if a
18 parent reached out directly to me.

19 Q If a complaint is sent to the special
20 education hotline and that gets routed to you, do
21 you respond to the parent?

22 A No. Because that would be addressed
23 through dispute resolution, if it's in their office.

24 They really share that and I can't recall
25 really any cases through dispute resolution as an

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1 FYI.

2 Q But you've received complaints or concerns
3 from families directly?

4 A I don't recall any complaints directly.
5 I'm trying to think through, think back.

6 I can't recall any direct complaints, but
7 I just remember, recall getting a parent connected
8 because that was something that recently happened.
9 She was moving into another district and asked about
10 the process.

11 Q And I want to clarify by complaints, I
12 didn't mean necessarily a formal complaint but an
13 email expressing concerns. Is that -- is your
14 answer remaining the same?

15 A That come to me directly?

16 Q Uh-hum. (Affirmative.)

17 A No.

18 Q If you had to identify the biggest
19 proponent in GaDOE of keeping GNETS in its current
20 structure, who would you name?

21 MS. JOHNSON: Objection.

22 A Repeat that question.

23 Q Sure. If you had to name the biggest
24 proponent in GaDOE of maintaining GNETS the way it
25 is, who would you identify?

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1 MS. JOHNSON: Objection.

2 A I wouldn't have anyone to identify. I
3 wouldn't identify anyone.

4 Q If you had to name the biggest proponent
5 of GNETS within the State Board of Education in
6 keeping GNETS as it is, who would you name?

7 MS. JOHNSON: Objection.

8 A I wouldn't know.

9 Q What about the RESA level?

10 MS. JOHNSON: Objection.

11 A The regional?

12 Q RESA.

13 A RESA?

14 Q Uh-hum. (Affirmative.)

15 A I wouldn't recommend anyone.

16 Q And the regional level?

17 A I would not recommend anyone.

18 Q Do you have plans this school year to make
19 certain changes to the GNETS program that we haven't
20 discussed?

21 MS. JOHNSON: Objection.

22 A Not that we haven't discussed, but GNETS
23 is always -- you're always looking to work to
24 improve things. So we're just starting the new year
25 and kind of getting going with that.

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1 So I don't have any that I can name right
2 now. I'm not going to say I wouldn't look at some
3 changes, but nothing right now.

4 Q And do you have any goals for what GNETS
5 would be in the next five years?

6 A No. Not right now.

7 MS. TUCKER: Thank you, Mrs. Cleveland.

8 THE WITNESS: That's it? Thank you.

9 MS. JOHNSON: No questions from the State.

10 THE VIDEOGRAPHER: We're off the record at

11 6:17 p.m.

12 (Whereupon, the deposition concluded at
13 6:17 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of VICKIE D. CLEVELAND was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 297 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24th day of August, 2022.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

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D I S C L O S U R E

STATE OF GEORGIA) VIDEOTAPE DEPOSITION OF
FULTON COUNTY) VICKIE D. CLEVELAND - 8/17/22
Pursuant to Article 10.B of the Rules and
Regulations of the Board of Court Reporting
of the Judicial Council of Georgia, I make the
following disclosure:

I am a Georgia certified court reporter.
I am here as a representative of Esquire Deposition
Solutions, LLC, and Esquire Deposition Solutions,
LLC was contacted by the offices of U.S. Attorney's
Office to provide court reporter services for this
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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me. Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this _____ day of _____, 2022, and executed the above certificate in my presence.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

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